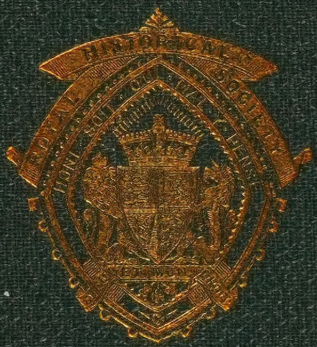

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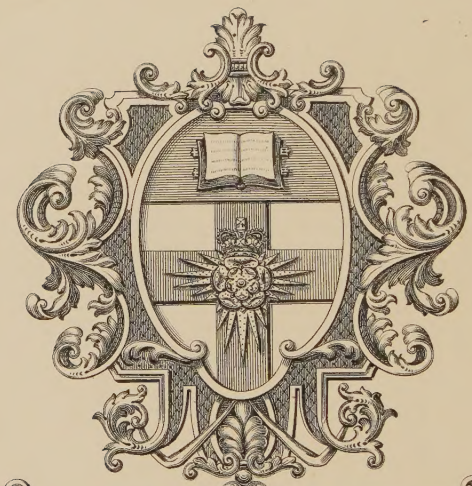

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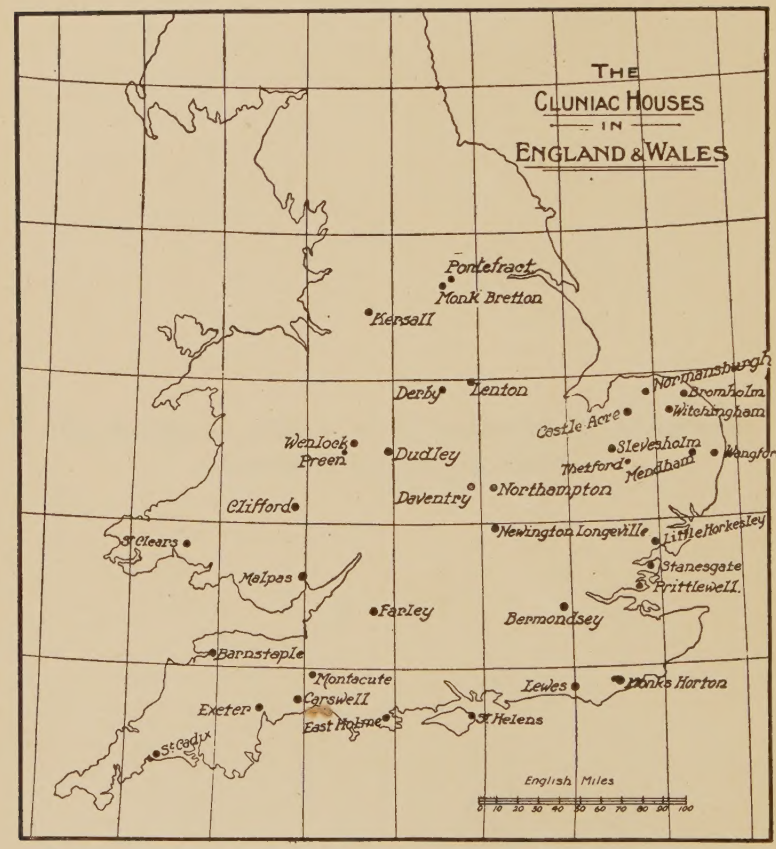

SKETCH MAP SHOWING THE DISTRIBUTION OF THE CLUNIAC HOUSES IN ENGLAND.

(*See* pp. 98–128.)

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EDWARD I AND HIS TENANTS-IN-CHIEF

By Miss E. C. Lodge, M.A., F.R.Hist.S.

Read 8 *May*, 1924

No student of Edward I's rule in Gascony can fail to be struck by the close resemblance between his policy there and in England; especially in his relations with the feudal nobility and in his encouragement of the towns and of the burgesses.

The new King began his rule in Gascony, as later in England, with a general inquest into the feudal condition of the country. In 1273–4 all his tenants-in-chief were summoned to declare their possessions and their services, that he might know the possibilities of support from his Duchy and that he might strengthen the bonds of obedience between lord and vassal. Perhaps it was the result of this inquest which led him to his better-known enquiry into English tenures—and there is little doubt that the knowledge he thus gained of Gascon conditions helped to determine his future policy in that country and is all-important as an opening to the study of his reign.

The interest of this episode is thus twofold. It throws a light on the careful and consistent policy of the King; and it gives a vivid picture of feudal society in South-Western France and helps to explain some at least of the difficulties which beset the English ruler in the management of his distant Duchy.

Both in England and abroad Edward was anxious to have full and complete knowledge of the territories committed to his charge; he was determined to keep a firm hold over his vassals, and to secure the utmost from their feudal obligations, while at the same time scrupulously performing what was due from himself. Thus as soon as he became the independent ruler he set to work to find out exactly where he stood in these respects and what he might count upon in the way of service and income.

This Gascon inquest took place at three centres. At Saint Sever in the autumn of 1273 and at Lectoure and Bordeaux in the spring of 1274. Unfortunately we only possess full records of the proceedings at two of these centres —Saint Sever and Bordeaux. The King himself was present at Saint Sever, and the lords of the neighbourhood came in person to do homage and take the oath of fealty to him, but the full declaration of their feudal tenures was made before a royal Notary, was declared on oath and was witnessed by a number of clerks and laymen generally chosen from amongst the less important nobility. September 23 and October 22 were the days set apart for this business at Saint Sever apparently, and early in the following year the King went to other suitable centres for continuing this survey of his dominions. On February 28 a proclamation was sent out from Lectoure demanding that all those who held from the King in the territories of Lomagne, Fezensac, Fimarçon and Pardiac should come to do homage and declare their obligations in the Bishop's Hall at Lectoure. It is unfortunate that we have no records of the replies made to this summons, but the documents concerning the very numerous recognitions made at Bordeaux between March 19 and 22 are all preserved. The King was at his capital on these days, so that homage could be done to him by those making their recognitions, but a few also straggled in later and recorded their answers before the royal Notary alone.

The questions which had to be answered by all on pain

of forfeiture were chiefly as to the extent and nature of the property held from the King, property which was generally land but which might also be houses and wine-cellars, judicial rights, tolls or market dues, received by grant from Edward's ancestors. The declarations state whether this property was fief or allod, what services were owed, whether any of it had been alienated in the past, and before what court of justice its holder was bound to appear. No demand was made for the production of a written title, and only in very few instances did it appear that a document of any sort was possessed by the tenant ; clearly it would have been an even vainer task than in England to discover by what warrant rights and duties were claimed by most of those who came forward to declare their customary liabilities. Possibly a few of them had written records, for occasionally delay was asked for in order that the conditions of holding might be discovered, but it is obvious that the majority of nobles held by customary rights of the very vaguest description.

The King's tenants-in-chief were of almost every class. A few great lords did homage—counts, bishops, abbots and priors, and a great host of smaller nobles, seigneurs of minute territories, knights and domicelli. In regard to the latter, it seems almost impossible to draw any clear line of distinction between the *chevaliers* and the *damoiseaux*. The latter were often seigneurs, they had similar holdings and performed similar services to those of the knights. They were lesser nobles certainly, for in a record of payment for war service they are valued at less than the knights ; [1] it may have been the title employed before the formal ceremony of knighthood had been performed, and represented therefore younger nobles rather than inferior nobles. In any case, the present Inquest shows no definite tenurial differences between the two classes of nobility.[2] It was by no

[1] *Recueil d'Actes relatifs à l'Administration des rois d'Angleterre en Guyenne au XIII^e siècle*,—transcrits et publiés par Charles Bémont. Paris, 1914. No. 291.

[2] Some light is thrown on this subject by conditions in Béarn, where the *cavers* or knights were almost the equals of the greater barons, except

means only nobles, however, who held directly from the King. Burgesses were often in possession of nobles' fiefs and performed nobles' services, and also much land was held from the King by rent-paying tenants both of upper and lower degree. Communes and smaller urban communities were corporate seigneurs holding as tenants-in-chief, groups of townsmen represented by proctors declared their joint liability and service to the royal lord, and most interesting of all, the special " free men " of the King, both individually and in communities, made known their tenurial privileges and obligations. The Inquest thus represents all classes of the Community except the class of serfs (*questaux* or villeins), and the smaller free peasantry, whose duties have to be sought in the terriers of the lords, rather than in the grand terrier of the King himself. Edward is enquiring only into his own crown lands, and the record is not absolutely complete even for that, but it is full enough to show all the main types of landholding which prevailed in Gascony amongst the free tenants.

Certain characteristics of this landholding appear at first sight, which can be illustrated in some detail from the Inquest. Clearly tenurial conditions were vague and not too well known, especially amongst the nobles, and the King was doubtless wise in getting this evidence in regard to them, for otherwise they might easily have fallen into complete oblivion. Again and again we read that the tenant holds by some service but does not know how much,[1] or that he cannot be sure whether the land he possesses

that they did not share with them the right to sit in the *Cour Majour* of the Vicomté ; but they had their own courts of justice and led their own vassals to war. The *domengers*, corresponding to the domicelli elsewhere, were as a rule under the jurisdiction of the *cavers*, were not exempt as they were from taxation to the State, and were only responsible for attending the military levy in their own person. (Cadier, *Etats de Béarn*, p. 69, quoting from *Fors de Béarn*, Paris, 1888 ; Pinard, *Etudes sur les moeurs*, p. 441 *sq.*)

[1] *Recueil d'Actes relatifs à l'Administration des rois d'Angleterre en Guyenne au XIII^e^ siècle*,—transcrits et publiés par Charles Bémont. Paris, 1914. No. 122.

is a fief or an allod,[1] or that if he may have delay granted he will find out later.[2] Then not only are services forgotten or vaguely defined, but when definite they are surprisingly light. Such military service as is noted here would have produced but a small army even for feudal days. Again the gradual spread of a money connexion is clearly shown. Services are sometimes commuted, even nobles held land at money rent, and the *esporle* or due on charge of lord paid from every fief is fairly frequently a sum of money and occasionally one of considerable value. In regard to towns and burgesses, a significant feature is the fact of their military service. The Gascon towns were valuable to the King not only for trade but because he looked to them for money and men in case of war, and often obtained from them more effective aid than he did from the unreliable nobles. Above all, the recognitions help us to realise the great number of feudal lords in Gascony, their obvious poverty and the smallness of their possessions. Not only were individual holdings small, they were very constantly shared. Both knights and damoiseaux held lands, castles and even houses in groups. Sometimes these joint tenants would be relatives, brothers or brothers and sisters or cousins, but often there is no obvious family connection, but only the bond of common poverty.[3] In most of these cases, one of the joint holders was made responsible for the services and payments and appeared alone to answer for the territory, but the burden of service was evidently shared amongst them, and in one instance at least, where a personal obligation was incurred, it was taken in turns by the different tenants.

[1] *Recueil d'Actes relatifs à l'Administration des rois d'Angleterre en Guyenne au XIII^e sècle*,—transcrits et publiés par Charles Bémont. Paris, 1914. No. 177, 310.

[2] *Ibid.*, No. 333.

[3] *Ibid.*, No. 109. Reconnaissance de Raimond Bernard et de Bernard Raimond de Laporte son cousin, ce dernier agissant en son nom et au nom de sa soeur.

No. 238. Reconnaissance de Guillaume Sanche de Pommiers pour lui et ses cohéritiers, Pierre de Pommiers et Pierre Amanieu de Pommiers.

No. 665. "Arnaldus de Stagia, Ramundus de Stagia et Nicholaus de Davinham pro se et parssionariis suis."

Not only were knights-fees or halves and thirds of knights-fees shared by co-partners,[1] but I have found in Condom an instance of one-sixteenth of a castle held by various nobles who owed jointly in return for it one-sixteenth of a knight.[2]

The first point that these declarations help to elucidate is the difference between fief and allod ; or perhaps it would be truer to say that they help to show the confusion which was in many minds in regard to the two terms, the growing tendency of the allod to turn into the fief, or to take to itself many of the conditions which were naturally incumbent on the fief.

According to old tradition Gascony was essentially a country of allods, and in this very Inquest the magistrates of Bordeaux declare that " our houses and vines for the greater part are allodial." [3] It was not only land that could be allodial; property, lands, rents, tithes, even men could be possessed allodially ; [4] great men could own allods, but so could simple freemen and servile tenants.[5]

The views of those tenants who claimed to possess allods were certainly neither clear nor consistent. Several are uncertain on the subject and request to answer later ; [6]

[1] No. 535. " Bertrandus de Noalhan et domina Trencaleon, uxor Galhardi Columbi . . . recognoverunt quod ipsi tenent et debent tenere . . . quartam partem castri de La Marqua."

[2] *Arch. Historiques de la Gironde*, Vol. I, p. 353 (Register of homages due 1286 and 1287).

Cf. *Cartulaire de Saint Seurin* (ed. Brutails, Bordeaux, 1897), p. 95. Fourth part of a stone house given to Church.

[3] *Livre des Coutumes*, No. 63 (Arch. Mun. de Bordeaux, Vol. V).

[4] *Rôles Gascon* II, No. 906. Grant of " Sexaginta libras rendales in allodio."

Cart. de St. Jean du Mont. Bibl. Nat. MSS. Lat 5460 A f° 20 V°. " Arnaldus miles dedit rusticum unum ad allodium."

Ibid., f° 36. " Unum boscum ad alodium."

[5] *Terrier of Camparrian*, 1309. (Brequigny XVIII, 241. Copied from Julius E.1). Mayense sold to Guillaume Damporian " homini questali Domini d'Ornon unam sadonem vinie in franco alodio."

Arch. Hist. de la Gironde, Vol. III, p. 170 (11 Sept. 1376). Four " hommes questaux " were sold " en franc alo."

[6] *Recueil d'Actes*, Nos. 139, 517, etc.

one man starts by claiming to have certain possessions in allod and nevertheless ends with a statement that he has no allods,[1] whilst a third says that he holds his fief in allod.[2] This uncertainty as to the nature of their own property is one very striking characteristic which appears from the Inquest; they were none too sure of the duties which it ought to involve, and clearly very little weight can have been laid on these duties in the past. The one thing, however, in regard to allods on which almost all are engaged is that they are free.[3] They state that their property is free allod, or that they hold in free allod, or that their allods are quite distinct from the fiefs which they hold by service and by payment of *esporle*. Girard de Bourg answers proudly that he holds nothing but has allods,[4] and Gaillard Frosen, in declaring his allods, states that he owes nothing and does nothing to the King nor to any other living man.[5] This freedom is fairly clearly emphasised as freedom from any actual feudal service or obligations. An allod is property and involves no *esporle* nor recognition of overlordship; it is hereditary property handed down from father to son: but also it can be treated freely, sold or given away if the owner so desires. But freedom from feudal duties does not in every case mean freedom from all duties—but the duties are duties of subject to sovereign, rather than duties of vassal to overlord. Thus in Bordeaux allodial possessors have to perform the *trinoda necessitas*,[6] and in Bazas they owe military service, though only for one day at their own expense.[7] A few of the nobles in proclaiming their free allods say that they are bound to do the same duties as other knights of Bordelais or Bazadais, as the case may be. It is evidently very easy for the hereditary allod, the owner of which does service to the King, to turn imper-

[1] *Recueil d'Actes*, No. 613. [2] *Ibid.*

[3] No. 219 "Tenet in allodium libere"; No. 341, "in allodium liberum," etc., etc.

[4] No. 563. [5] No. 341.

[6] *Livre des Coutumes* (Archives Municipales de Bordeaux).

[7] *Recueil d'Actes*, No. 252.

ceptibly almost into the hereditary fief held from the King by military service. In any case, this close connection with the King is a very important feature of the allod. Held from no lord, its holder is in direct connection with his sovereign. Held under the King is a very usual phrase [1] —just as before the Conquest in England we find land was held *sub* rather than *de*; and the *allodarius* is subject to royal justice and must submit to the jurisdiction of the royal courts. The allod, however, was not profitable to the King as was the fief. He gained no *esporle* from it, and though it could escheat to him, as it could be alienated by the possessor, this may not often have occurred. Thus he would naturally favour the conversion of the allod into the fief, and the value of an overlord's protection may have encouraged the old allodarii to consent to such conversion. Several instances of this occur in the recognitions, and the change that it involves is carefully noted. A burgess of Roquefort who used to hold freely now holds in fief by homage and fealty and a lance as *esporle*; [2] a knight who had received an allod from his parents, changes into a fief at *esporle*, and so on in various instances.[3]

Despite all the vagueness, the freedom from feudal dues and the royal authority over the *allodarii* are evidently the conditions which are most constantly recognised by both parties.

This view of the independence of allods, of their hereditary character, and of their special connection with the King, to whom they would escheat in case of failure of heirs,

[1] *Recueil d'Actes*, No. 216. "Tenet in allodium liberum sub posse et dominio domini regis."

Ibid., No. 332. "Habent in allodiis sub dominio domini regis," etc., etc.

[2] *Ibid.*, No. 111.

[3] *Ibid.*, No. 116. "Eleas et frater suus praedicti habebant in allodium liberum oblias et terras quas eorum pater et mater et ipsimet adquisierant, pro quibus recognoverunt quod debebant facere jus et recipere coram eo, et ex nunc recepit in feodum immediate ab ipso, cum uno pari cirothecarum albarum quas pro sporle exinde reddere promisit in mutacione domine et obsequium exercitus pro omnibus supradictis."

and to whose jurisdiction their owners must bow—is borne out by other evidence. The Customs of Bordeaux state that the possessors of allods can sell them and distrain them or do with them according to their will.[1] In Entre-deux-Mers it was declared in 1235 that any man might freely sell his allodial land to whom he pleased without leave or licence.[2] The cartulary of the Abbey of La Grande Sauve—and many others—simply abounds in gifts of allods, all recorded without any mention of leave being required from lords or heirs; freely and allodially are used as though synonymous.[3]

Thus the absence of any payment or service is frequently shown. An allod owes no cens nor *esporle*,[4] and in the terrier of Camparian the constant formula is, "land held in free allod, which does no duty to the King."[5] When land is changed from allod to fief it now is held by homage and *accapte*.

There is a fourteenth-century description of *allodium* which says that it is free land for which no service nor rent is due, which is not held from any lord, and by this differs from a fief which always recognises a superior and ought to pay something on charge of lord, while the allod owes nothing.[6]

The hereditary character of allodial property is also very clearly shown in many examples. In 1310 two citizens of Bordeaux speak of possessing an allod by hereditary right from a time beyond all memory,[7] and in the cartulary of

[1] *Livre des Coutumes* (Archives Municipales de Bordeaux, Vol. V), p. 508: "quedam sunt allodiales que tenentur ad manum ipsorum dominorum, qui locant eas vel inhabitant, et eas vendunt et distraunt, et faciunt de ipsis pro suo libito voluntate."

[2] *Arch. Hist.*, Vol. III, p. 118. (Inquest into exactions of the King's bailiffs in Entre-deux-Mers in 1238.)

[3] *Cart. de Sauve Majeure XIII^e siècle* (Bibl. Mun. de Bordeaux), No. 35, "hoc totum libere et allodialiter," and a man gave himself "de allodiale et libera possessione."

[4] Rôles Gascons I, No. 1211 (1243).

[5] Brit. Mus. Julius E.1 (copied Brequigny XVIII, p. 209).

[6] Quoted by Lanéry d'Arc, Du Franc Alleu, p. 76 (Paris, 1885).

[7] Gascon Rolls (Record Office), 3 Ed. II, Membrane 2.

Sainte Croix we find "sicut ad ipsum ut proprium allodium jure hereditario expectabat."[1] The close relation of the King with allodial property is another characteristic which emerges from a variety of documents. The Customs of Bordeaux have again a ruling on this subject. The King, they say, has four rights over allodial property—escheat, forfeiture, justice, and the right to demand military service.[2] This last right was certainly not recognised with any definiteness in 1273, since the contrast between allod and military fief was constantly maintained.

That some sort of national service was expected is, however, borne out by other evidence. In Bazas (1273) all the allodarii are said to owe to the King military service "inter portus et flumen Garonae"—but this service was only for one day at their own expense, and if for longer, at the King's. Whenever required, they were bound to appear in the royal court, either to assist in the performance of justice or to answer accusations against themselves: whilst their dependents, on the contrary, were to be judged before whatever lord was in possession of the land and high justice of that place.[3] Finally, in the Customs of Lectoure it was expressly stated that the possessors of free allods were to repair the walls of the town, in common with the *capcasaux* and serfs.[4]

To sum up the general result of documentary evidence. The allod was, originally at least, land owned not held; land which involved no feudal duties, and which could be treated with the greatest freedom by its possessor. It was his own property to do with as he would. But the allodial owner was a subject of the ruler of the land, to whom was due the necessary service which every free subject was expected to give, and his rights of jurisdiction, the possibility of escheat or forfeiture to him, and the duties of the *trinoda*

[1] Cartulaire de Sainte Croix. (*Arch. Hist. de la Gironde*), Vol. XXVII.
[2] *Livre des Coutumes*, No. 3, p. 75.
[3] *Recueil d'Actes*, No. 252.
[4] Druilhet, *Coutumes de Lectoure*, p. 41 (*Arch. Hist. de la Gascogne*, Vol. IX).

necessitas implied some relation to the King, which tended to grow stronger as time went on. The allod was hereditary —but so was the fief. The allod escheated to the King, the fief to the lord, but in the case of a tenant-in-chief the difference was not obvious ; the holders of fiefs were equally bound to suit at the royal court and the two kinds of property tended to come together ; only by the absence of feudal services, of feudal dues, and of feudal recognitions of overlordship by the payment of *esporles* was the difference maintained, and those who realised their freedom in this respect were naturally anxious to keep it and made their answers as haughty as might be.

A good deal of the allodial property which was declared in 1273 was in the hands of the Church. The great Churchmen did no homage to the King, but took only the oath of fealty, and it is rare to find them holding any of their land by military service, although there are a few instances of it. As a rule their answers are proud enough. They hold nothing and they owe nothing, their lands are free allods ; their possessions are free—rights of justice are from the Pope, not from the King, and so forth. Even the Bishop of Bazas, who owns to a manor held by military service and esporle of 100*s*., says he is not bound to make this recognition, but does it of grace, not of duty.[1]

The Abbot of Fonguilhem, who declares that he owes no duty to the King, was made to come a second time that he might explain his position more fully ; but he only adds by way of amplification that he holds nothing from anybody and owes nothing to anybody.[2]

In cases of most of the Abbeys, however, and of the smaller religious houses, the tenure of land was what we should call frankalmoign, for prayers and masses were to be said for the King and his family, or the holders were bound to commend the King by watching and prayer. At the great Abbey of La Grande Sauve the recognition states that masses for the dead ancestors of the King were to be

[1] *Recueil d'Actes*, No. 204. [2] *Ibid.*, No. 20.

said daily and for his living relatives once a year; but in addition to religious services the King and his wife were to be entertained whenever they visited that district.

The Abbot of Blasimont held a castle from the King on the usual condition that it must be surrendered to him whenever required, but to this was added the religious duty of supplying a monk to accompany the King on his travels through the Duchy, that mass might be celebrated on any occasion.

The Gascon bishops were certainly amongst the greatest and most independent of the King's vassals; Church land was held, as a rule, as free allodial property, and any help given to the King by great ecclesiastics or great religious houses was help which he might request but never command.

Despite this survival of allodial property held under the King, the mass of tenants-in-chief in 1273 held fiefs from the King. These fiefs could be either noble, held in return for homage and fealty and requiring the payment of an *esporle* on change of lord, sometimes with, but quite frequently without, the duty also of military service; or they could be *censives*, tenements held at a fixed *cens* paid either in money or kind. One thing is evident. Whether the possessions were large or small, scattered or compact, whether they were held individually or by co-partners, the services rendered for them to the King were extraordinarily small. The general impression gained from a comparison of the various recognitions is that the original obligation had been that of individual service rather than the supply of service in any sort of proportion to the extent of the property. The essentials are homage, fealty and *esporle*; military service may or may not be due, but "without esporle and investiture there is no fief."[1] The greater the noble the less definite appears the service. The Comte of Armagnac, the Vicomte of Tartas, the Comte of Bigorre do homage and fealty, and though they speak vaguely of other duties these are not specified. That these nobles and

[1] *Livre des Coutumes*, p. 507.

others were very well able to put large forces into the field is found from other documents, and though they might aid the King if they would, these armies were constantly used in their own private quarrels and not rarely for open revolt. Numbers of their own tenants owed military service to them alone. In Bigorre, for example, all men owed military service to the Count ; [1] and the tenants of the Seigneur of Blanquefort had to come with their bodies to fight at his demand, although at their lord's expense after the first night.[2]

Many lesser lords declare that only homage, fealty and *esporle* are due from them and make no mention of military service ; even knights in some cases do this, in which cases the land is generally called a fief and not a knight's fee ; but there is no strict rule as to the title of the holding. Fief and knight's fee alike, when held by military service, seldom owed more than one knight ; it is not even impossible to hold two knight's fees for the service of one knight, and the amount of land which could be included in the term "militia," or for which that service was due, varied to almost any extent. It is very rare to find more service from any landholder, however wealthy ; there are a few exceptions. Otto de Lomagne, who owed fealty, but was not sure about homage, owed one knight for his fief and another knight for his rights of justice.[3] Vital de Cazaletz, *damoiseau*, held two knights' fees and owed the service of two knights ; [4] Rostand de Landiras, *damoiseau*, held two fiefs and separate services for each of knight and *esporle*.[5] Clearly the usual tenure was for a man to give his own services, and no exact estimate had been made as to the proportion of land which that implied. If an extra estate

[1] This seems to be rather a national militia than a feudal levy ; as no land is mentioned in the connection and the tenants of all classes in Bigorre early paid money for their estates. (Balencie, Enquête de l'année 1300 sur les revenus du Comté de Bigorre, Paris, 1884.)

[2] *Arch. Hist. de la Gironde*, Vol. VI, p. 388.

[3] *Recueil d'Actes*, No. 11.

[4] *Ibid.*, No. 79.

[5] *Ibid.*, No. 568.

was acquired, the duty of extra service might also be necessitated. The personal obligation is almost always recorded, although a substitute was in most cases permitted. There are two usual formulæ—All the recognitions at Saint Sever state that one knight or three foot soldiers must be given; at Bordeaux the service is of the man himself or one knight. Possibly this recalls the old allodial property with its obligation of personal service to the King. In any case, the preponderating element is that of a single service for each tenant, be he knight or *damoiseau*, rich or poor.

As a rule this service is that of a knight, but occasionally a squire is owed, and in that case his equivalent is only two foot soldiers, not three.[1] Sometimes a knight or a *damoiseau* owes for his land the service of one sergeant only.[2]

For several men to share this service of one knight is, as has already been seen, quite common; or even to share in part of a knight or part of a squire. Such divisions give the idea that some sort of commutation must sometimes have been practised. Commutation is, however, very rarely mentioned. In one instance an alternative payment of 1*s.* 6*d.* is allowed on each house which is held by the service of a mounted man-at-arms.[3]

For every fief, whatever may be the service, an *esporle* or *sporla* is due on every change of lord; an acknowledgment of feudal overlordship which was necessary from every feudatory, and when two fiefs are said to be possessed, two *esporles* have to be paid. The *esporle* was in many cases an article of some kind: the most common being a lance, a pair of gloves, spurs, a hawk, or very occasionally a horse;[4]

[1] *Recueil d'Actes*, Nos. 71, 106.

[2] *Ibid.*, Nos. 113, 116, 133.

[3] *Ibid.*, No. 32. In Gascony, as in England, it would appear that some connection gradually arose between military service and the worth of a man's possessions. Thus in 1376 the Comte de Foix gave notice that all with rent and movables to the value of 200 florins should bring a horse; those with 400 florins two horses, and those with more than 400 florins two horses completely armed. (*Arch. Historiques de la Gironde*, Vol. XII, No. 20, p. 135.)

[4] *Ibid.*, No. 235.

all gifts of considerable value,[1] although the number of them, if really given and not commuted for money, must have been a little overwhelming. The money *esporle* was becoming common, however, even for the noble; for small rent-paying tenants it was almost universal. These money *esporles* from nobles were generally as much as 10*s*., 50*s*. or 100*s*., and such dues must have been of great value to a new lord. Occasionally fancy payments were introduced by way of variety, payments which may have had their origin in some momentary necessity. Thus we find that wax or wax candles are occasionally added to or substituted for the ordinary gifts; one man owed a curious sort of torch, wax twisted round a lance and formed into a candle; whilst occasionally horse-shoes or the shoeing of a horse are noted. For the nobles, however, there is no great variety in the *esporles* owed by them.

The length of military service due in return for land is only occasionally mentioned, and there is little ground for certainty that the normal forty days was necessarily expected.

Gaillard de Lalande says that he should come with another knight for forty days [2] and Petronille de Lamotte acknowledges the service of a knight for forty days once a year; [3] but R. de Cérons, "man of the King" and holding from him by noble tenure, only owes military service for one day at his own expense,[4] whilst one or two knights state that their service is for eighteen days, and one of them is not bound to cross the Garonne.[5]

It is interesting to see what use Edward made of these military services when war was really upon him. We have

[1] A young hawk was valued at £4 Bordeaux money. In 1278 Wm. Colom was allowed to pay £8 for the hawk he owed (*Rôles Gascons*, Vol. II, No. 386). *Ibid.*, No. 1119.

[2] *Recueil d'Actes*, No. 518.

[3] *Ibid.*, No. 653.

[4] *Ibid.*, No. 189.

[5] *Ibid.*, Nos. 27, 123.

There is a great variety of evidence on this subject from other documents, both for nobles and for townsmen; the latter had generally more

evidence concerning this in 1294, when he is engaged in a struggle with the crafty King of France. He seems undoubtedly to hope for more service, though he cannot claim it as a right. He does not summon his Gascon nobles nor couch his demand in such absolute terms as he uses for his English tenants, he begs that they will help him with what force they can. And this help must have been more than their own service alone.

"We require and beg you," writes Edward, "as lovingly as we are able, that you should aid us in recovering our said land, maintaining and defending it as you and your ancestors have done for us and our ancestors in all past times; and in this business that you should act in such a way as we and ours are bound to you."[1]

The names of those nobles to whom this document was sent correspond, though not very exactly, with the names of those who made their declarations in 1273; those of Agen are now added, and it was sent to the chief towns of Gascony at the same time and to all the Bishops in his dominions. A renewed request, couched in very polite language, was sent in 1289—in some instances to the same, but also to other lords, including this time great feudatories such as the Comte d'Armagnac and the Comte de Foix, whose names do not occur in the first list.[2] There is proof from the

distinct rules of service, since their charters defined their customs and privileges.

Ancient Petitions (Record Office) 283, 14115.

A group of knights owe for a castle the service of one armed knight (or 40 days when war was in Gascony).

The men of Labourd owed 40 days.

The men of Bordeaux—60 days in the diocese of Bordeaux (*Livre des Privilèges*, No. 33, p. 239). 40 days in *Livre des Coutumes*.

The men of Bigorre—9 or 10 days in the county itself (Charter of 1313).

The men of Agen—40 days (*Livre des Coutumes*, p. 219), with special conditions, etc., etc.

[1] *Rôles Gascons III*, No. 3374. Compare the summons to English nobles (*Ibid.*, No. 3416). "Vobis mandamus, in fide et homagio quibus nobis tenemini firmiter injungentes, quod sitis ad nos apud Portesmuth . . . cum equis et armis et toto servicio quod nobis debetis, parati transfretare nobiscum."

[2] *Ibid.*, Nos. 4059, 4060.

Exchequer Registers that men were paid for fighting, and large sums were bestowed on great numbers afterwards in reward for faithful services, besides costly compensation to those who had lost possessions in the war.[1]

A few nobles held by serjeanty, or added to their military service some special feast on occasion. Arnaud d'Estang, for instance, owed a fatted cow according to old custom, and bread and wine to eat with it, and in the neighbourhood of Aire several men had to provide food for the King's huntsmen and dogs, and to accompany them if required.

These services, as a rule, depended on the locality; all round the Castle of Puyguilhem the knights owed a month's castle guard in lieu of other service; and along the Dordogne the duty of ferrying across the King and his household, and keeping the boat covered with fresh straw or reeds, was enjoined on a number of small but apparently noble tenants. Occasionally these serjeanties are amusing, and seem to have no purpose but that of giving the King a little variety. Arnald de Corlyn, in return for the knight's fee of Toujouse, was bound to join the King whenever he travelled through the neighbourhood, go with him to a certain oak, taking with him a cartload of faggots drawn by two tailless oxen. Here he was to set fire to the oak and let all be burnt unless the cows could escape.[2] Another unusual service was that of the family of Pommiers, who had to supply a meal for the King and ten knights, comprising beef and pork, chickens and cauliflowers. Should one of the family have the rank of knighthood he must serve the King wearing red shoes and golden spurs; but were he not a knight he must only wear white shoes and silver spurs.

Most of the royal tenants declared themselves under the justice of the King or his Seneschal, but this declaration

[1] In 1305 the Seneschal paid an army to put down disturbances at the rate of 4*s.* sterling for a baron with horse and arms, 2*s.* for a knight, 1*s.* for a squire and 2*d.* for a foot-soldier.

Similar evidence is found in the reign of Edward III (G.R. 51 Ed. III).

[2] *Recueil d'Actes*, No. 97.

varied according to the locality; in some places lesser officials were evidently given the right of representing the King in matters of jurisdiction. Thus the reeve of Barsac seems to have had a court which was attended by the knights of that neighbourhood; the reeve of Entre-deux-Mers was acknowledged by several tenants as having justice over them; and at Bourg and Castillon the Châtelain had a few lords bound to suit at his court.

Besides these military holdings, a number of royal fiefs were held by rent, and very small rent besides. 1*s.*, 2*s.* and 3*s.* are quite usual. In the Prévôté of La Réole holdings paid from 4*d.* to 18*d.* and a few handfuls of corn, whilst at Bourg three-halfpence was due to the King for a wine-cellar. Corn and wine were the most frequent payments in kind, and occasionally *oublies* are mentioned. These originally were rolls or little cakes made by the tenant on special festival days, but the word gradually came to be used for any sort of very small payment.[1]

Nothing very unusual is to be found in the recognitions of individual burgesses. They could hold noble fiefs, as we have already seen, and were bound to military service and *esporle* exactly as were the nobles. For houses and other property money rent and money *esporle* were the usual conditions.

More interest is to be found in the declarations made by the Communes themselves in their corporate capacity.

The town of Bordeaux made its recognition in the Cathedral of Saint André on March 20, 1274. The King summoned for this purpose the Mayor and twelve of the principal burgesses, and their declaration was made in the presence of a large concourse of people. The statement begins very characteristically. Before any recital of duties was made, the town proudly claimed that on coming first into Gascony every new King must take oath to defend the city and to

[1] Leymarie, *Histoire des Paysans*, p. 319. Cf. Balencie, Enquête de l'année 1300, Paris, 1884. B. Nat. MSS., Nov.–Aug., Fr. 3592 (Lot de chartes *XIV*e siècle, Saint-Macaire).

defend its customs. The Commune as such, the document goes on to state, holds no fief from the King, for

"according to our custom there is no fief where there is not *esporle* and investiture; but from the King it holds the use of roads, rivers, wells and pastures and the right of possessing Mayor, *jurats* and reeves. In return the Community is bound to guard the city day and night, and to provide military service for forty continuous days during the year. Should the King himself be present in the army the head of each house must go, or send a relation of fit age to represent him; but should the army be under the Seneschal, this representative might be a servant. Beyond this the recognitions state that individuals in some cases held fiefs from the King, but that most of the houses and vineyards are allodial property, and their possessors are only bound by the general conditions which govern allods according to the Customs." [1]

Some of the neighbouring towns copy, as far as possible, the statement made by Bordeaux. Saint Émilion and Bourg both owe military service according to the custom of Bordeaux, and Bourg repeats the words of the Bordeaux declaration that it has no common property as the towns of Lombardy have. For the individual burgesses, however, services are different. All have their vineyards freely on the payment of 2*d*. a year, be their extent great or small; but on every barrel of wine sold a 1*d*. toll should be paid to the King. The butchers of Bourg are specially mentioned as under different duties, but these are not enumerated.

Most towns provide at least a man from a house to the King's army; in Meilhan and Bazas the King or Seneschal are free to enter the town with their army and receive all they need for war. The case of Bazas is rather curious in this respect. A number of burgesses make recognition on March 20, and declare that not only can the King enter, but must be given the keys of the town: whilst three months later the Bishop and Chapter repeat the recognition rather less fully, but specially state that in no case should the keys be handed up to him.

[1] *Livre des Coutumes*, No. 63.

The recognition made by Bazas is the fullest of all. The Commune owes an oath of fealty and obedience to every new King or Seneschal, receiving in return a promise of protection from them. The King can send a crier to the town to make proclamation when he wishes; and should any dissension arise in the town he can take hostages of the inhabitants. When the burgesses accompany him in arms, they are under his justice or under that of the Sheriff, and at other times, should the Bishop and Chapter fail to do them justice, the King or Seneschal are responsible for seeing that right is done by them. Details are also given of the ransoms due to them if they make captures on the King's expeditions; an enumeration which is interesting as illustrating numbers and values; the sum they should receive for a knight was 100*s*., for a domicellus 50*s*., for a burgess 20*s*. and only 5*s*. for a villein. For a horse, however, they might receive as much as 10*s*. Any lesser beasts were to be kept by them as lawful booty.

Libourne—an important bastide—besides military service owed quite a large sum to the King for each house and wine-cellar of a certain size. 12*d*. cens and 22*d*. *esporle* for the house, and as much as 10*s*. rent and 10*s*. *esporle* for the *caya*.[1] Sauve-Majeure was the one exception in respect to military service, and appeared to be a town rather specially favoured. The burgesses only owed a loaf and a hen once during the lifetime of the King, and were free from military service, *quête*, *taille* and any *corvées*. In case of failure of justice or injury caused to them they could appeal to the King's Court at Bordeaux, when they would be judged by the law and custom of Bordeaux. The town as a community declared that it possessed no allodial property.[2]

Again, it appears that though the King could really count on his towns for valuable help in his wars, it was to special grants rather than regular rents which would be necessary were his finances to be maintained; the private demesne of the crown in Gascony did not furnish possibilities

[1] *Recueil d'Actes*, No. 291. [2] *Ibid.*, No. 584.

of much provision to the royal exchequer. That the burgesses did as individuals help him largely with money, in the shape chiefly of loans and advances, we know very well from the Gascon Rolls, but Edward cannot have looked for much regular personal income from his Gascon lands.

Little that is new can be learnt from the recognitions made by proctors for groups of various scattered parishes. Their holdings generally imply military service—at Haux (Gironde ; arr. Créon) a cow and a circle of hens were due as *esporle* ; and the inhabitants of La Tresne supplied seven cartloads of hoops for wine-casks. On the whole, these groups are very little different from the co-partners amongst the noble fief-holders, and their service varies with the locality. At Brulhet the group is interesting as comprising nobles as well as non-noble inhabitants, but to find nobles in the towns as citizens is not unusual in the South of France.

Many recognitions follow from the King's free men. These were apparently small holders, who were direct tenants of the King, or who were in some specially privileged connection under the King, to whom they looked for protection and the guarantee of their possessions. There were besides some recognitions from individual peasants or small groups of peasants inhabiting a *contau*, i.e. some bit of land which had never been subinfeudated, who are not exactly in the position of the specially privileged "free men." Such, for example, as the men of the *contau* of Portets and Castres (south of Bordeaux) who held lands, wines, woods and meadows from the King and gave in return a rent of three pigs a year—pigs which were to represent the worst, the best and the medium pigs sold in the Bordeaux market. At every change of Seneschal the same men were to bring him forty white loaves, and they owed a meal a year or its equivalent in £6 of Bordeaux money. The Seneschal in his turn was bound to give back to the bearers of this tribute a quarter of one pig and eight of the loaves.[1] Again, a family of

[1] *Recueil d'Actes*, No. 660.

Artiques in La Brède seem to have formed a little group of free tenants, who were allowed to commute their military service for 20*d.*[1]

But none of these were the same as the special groups of free men—who are found chiefly in three centres—in the neighbourhood of Bazas, all round the little town of Barsac and, best known of all, in Entre-deux-Mers, the strip of land lying between the Garonne and Dordogne just north of Bordeaux. The distinguishing feature of these groups of free men seems to be that they made a special payment as a body to the King, each member of the group contributing his quota to the sum, and in return for it demanding from the King, and whoever his special representative was in that region, protection and justice. In some cases these free men held their little plots directly from the King; but in other cases it appears almost more as though they were *personally* bound to the King, and that their lands were really allodial. Their holdings are not true fiefs, for as a rule there is no mention of *esporle*, and sometimes a portion of the sum due is contributed by a man who states that he holds nothing.

To illustrate this in more detail:

In certain hamlets round Bazas a lump sum of £20 was due. The proctor of the men of three villages declared that they owed 10*s.* of this £20, and that they and their ancestors from old days had held their houses with their appurtenances in this way. Besides this payment they owed military service in the same way as the townsmen of Bazas (one man from each house and for one day at their own expense), they were under the jurisdiction and attended the court of the reeve of Bazas, to whom also they contributed a portion of a meal in the year, and before whom they took the oath of fealty, whilst he in his turn vowed to defend them. Another group of villages owed 50*s.* of this £20, and the allotment of the payment among individual households, varying from 3*d.* to 4*s.* 6*d.*, is given in the recognition. A few men holding

[1] *Recueil d'Actes*, No. 658.

nothing pay towards this sum for protection. There are occasional differences between the several groups. The one thing constant is the quota of £20 and military service; some pay rather more food dues than others, and one group owed a tenth of the produce of their land to the King. It is, however, the lump sum for protection which binds the different villages and their inhabitants together.[1]

The free men of Barsac are on slightly different conditions. There is no mention here of a joint contribution to some special payment; but the men all claim to hold their bodies of the King and their common property such as water and pasture; some also add that they hold from him their wood, vines, crofts and houses. All inhabitants, however, of the reevedom of Barsac seem bound to similar conditions. They are in special connection to the reeve of Barsac, to whom they give pledges and for whom they fight and before whom they take the oath of fealty. Some say they are specially under the justice of the King—some say of the reeve, who was clearly looked upon as his representative here.[2]

It would appear that this Barsac group was a more recent formation than the other two communities. In 1243 we learn from the Calendar of Patent Rolls that the King having thrice summoned Gerard de Montremblant to defend his claim to this district, took it over into his own protection in his default.

The free men of Entre-deux-Mers looked back to earlier days for their privileges. It was their claim that Charlemagne had especially rewarded the vigour of their assistance against the Saracens by giving them all their possessions freely, on condition that they should still owe military service for the protection of the land they had already defended so well.[3] These men paid a royal *questa* or "*captenhe*" of £40, though this they said was imposed on them

[1] *Recueil d'Actes*, Nos. 244, 246, 247, 248, 356.
[2] *Ibid.*, Nos. 636, 638, 674, 675.
[3] *Archives Historiques de la Gironde*, Vol. III, p. 118. Privileges of d'Entre-deux-Mers, 1238.

after the time of Charles the Great, who had burdened them with no such payment. By the thirteenth century, in any case, the free men of Entre-deux-Mers contributed by hamlets or by families to this joint payment, in the same way as did the men of Bazas, and their conditions were very similar. The reeve of Entre-deux-Mers was placed there by the King for their defence, and his two servants were to help him guard the two divisions of upper and lower Entre-deux-Mers. The hamlets provided hospitality and food for the reeve and his servants, who are called "itinerant," and some make an annual payment to him of a penny—a sort of sheriff's aid.[1]

There were twenty-two families in Entre-deux-Mers and each sent up a proctor to make recognition. The shares paid by the families varied from 4*s*. to 50*s*. or, in one case, to as much as £4. Their military service was said to be limited "according to what the lesser men could do." The parishes of Ambarès, Yvrac and Quinsac claimed to have allods for which they contributed 50*s*. between them, and had to give the reeve seventeen capons for a meal, but of these fifteen were supposed to be conveyed by him to the palace of the King at Bordeaux; and the King was to defend them in return for the 50*s*. and the seventeen hens.[2]

We know from other documents how proud were these men of Entre-deux-Mers, and how long their privileges subsisted. In 1330,[3] and again when Henry IV came to the throne,[4] the King had to promise that these lands were never to be put out of royal hands.

The cartulary of La Grande Sauve gives a good deal of information as to their rights and tells of complaints made by them in 1235 of the injuries done by royal officials and of the too heavy enforcement of military service and food dues, such as these men did not owe.[5] As late as the seven-

[1] *Recueil d'Actes*, No. 537.
[2] *Ibid.*, No. 680.
[3] *Arch. Hist. de la Gironde*, Vol. XXIV, p. 299.
[4] *Gascon Rolls* (Record Office), 1 Henry IV, Membrane 7.
[5] *Cartulaire de l'Abbaye de Sauve Majeure* (in Bibl. Mun. de Bordeaux). f° lxiii v°.

teenth century the Chapter of Saint-Seurin had a hard struggle to assert its rights to a tenement in Ambarès, although it said that it had held this special land for 400 years. The opposite side took up the claim that the King of England had right of *quête* over the whole of Entre-deux-Mers, and was "seul seigneur direct universel." [1]

Whatever the original promise may have been, there is no doubt that the King did subinfeudate or even sell lands in Entre-deux-Mers; and all the inhabitants in that favoured spot were not free, but serfdom was found there as elsewhere. It would appear that only certain old families and old holdings had these rights and that their descendants alone could claim successfully the privileged position of the King's free men. Such men were protected from any but the recognised payments and the limited service; they could leave their land by will; they were not to be taken to judicial courts outside the district; they could appeal to the King's Court at Bordeaux if they were dissatisfied with the justice of the reeve.[2]

As far as can be judged from the evidence, these free men seem to represent old peasant *allodarii*, who were given special privileges when the King took their districts into his demesne, and who were protected by him from most of the usual encroachments and oppressions of the feudal overlords. They are one of many instances of the amount of freedom which survived in many parts of Gascony, although in none of this northern part to the same extent as in the almost untouched mountain valleys.

This completes the tale of the royal Inquest of 1273. It leaves us with some idea of Edward's policy and Edward's difficulties. The country, apart from its trading classes, was on the whole poor, and without doubt very independent.

[1] *Arch. Dépt^ales de la Gironde*, G. 1395 (Procès Divers), 1687.

[2] Besides the free men whose recognition is preserved in 1273, we know that the men of Soule and Labourd claimed also special right of freedom and did military service to the King. They all held directly of the King: paid 3*s.* a house, and had rights of free pasture. All services commuted by Henry VI at 10*s.* a house.

The number of small nobles and the slight authority over them which could well be exercised by the distant overlord meant frequent private wars and great lack of unity and support for the ruler. That Edward was able to succeed as well as he did, that he formed a more or less workable government, that he bound the country to a great extent to him, is all the more admirable and an indication of his constant care and effort.

THE STRUGGLE OF THE DUTCH WITH THE ENGLISH FOR THE RUSSIAN MARKET IN THE SEVENTEENTH CENTURY

By Madame Inna Lubimenko, D. ès Lettres

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I

The commercial relations of England with Muscovy have been already investigated at various times by the author of this paper, by Professor Scott, by Dr. Gerson, in America, and lately by Miss Mildred Wretts-Smith ; but the relations of Holland with Muscovy are, I believe, still little known.

The north-eastern route to Russia, discovered by the English, was soon followed by other nations, and from the end of the sixteenth century especially by the Dutch, who early began a desperate struggle with the English for the Russian markets, in which the vital forces of both nations were engaged. The contest ended with the victory of the Dutch and the almost entire disappearance of the English from the interior of Russia. A description and analysis of this struggle will form the principal subject of this paper ; but since the relations between these countries are little known, it is desirable to relate them here in a few words.

The first incidental relations of Muscovy with Holland occurred at the beginning of the sixteenth century, before the English had even appeared in Russia ; the Czar, Ivan the Terrible, at the beginning of his reign obtained some costly wares from Antwerp. In 1547, when the German Schlitte was sent abroad to invite workmen and experts to Russia, there were some Dutchmen among the 123 who accepted the invitation. But Schlitte was arrested in Lubeck, and his little army of artisans was not allowed

to proceed, for the neighbours of Muscovy were making desperate efforts to cut the country off from the influence of European art and culture. The historian *Scheltema*, however, assures us that the descendants of the Dutch, who had come to Muscovy at that time, were still living in Russia in the nineteenth century, so it may be that some succeeded in reaching that country.

In 1557 Stephen Borrow spoke of Dutch merchants trading in the far north with such Finnish tribes as the "Laps" and the "Korelians," but these had probably come on Norwegian ships. The first Dutch ship reached Lapland not earlier than in 1567, but one of its principal passengers, the Dutch merchant Winterkönig, was imprisoned by the Danes, who only released him after he had promised not to venture any more to Wardhouse, where they feared his competition. This Dutchman, however, found compensation by entering into trading relations with the Russian monks of the monastery of Petchenga, for the monks of those times were often great traders. On his return, Winterkönig formed the first Dutch Company for the Russian trade, receiving a charter from Philip II.[1] Next year he went again to Russia, but perished there at the hands of the northern tribes. His activities were continued by another Dutch merchant, Meier, whose ship safely wintered at Kola. Meier traded with profit and even made some unsuccessful efforts to push on to Moscow; but he lacked the energy and ability to which Chancellor owed his success.

This commerce, all uncertain as it was, had a good effect on the country; the monastery of Petchenga became richer and attracted new monks; the number of inhabitants and the size of Kola increased. The Dutchmen visited also the island of "Solovky." But Lapland was soon lost to

[1] The best authority for the early activity of the Dutch in the far north of Russia is still Scheltema, who has consulted the old chronicles of Wassaenar, Horch, Bachmeisher and others. *See* also, in Russian, the *Collection of the Imp. Russ. Hist. Soc.*, T.N. 116, edited by Kordt.

Russia, and they then found themselves outside the boundary of that country.[1]

During the short period of the Russian occupation of Narva, the Dutch, who were most active in the Baltic, carried on a very important trade with that port, employing from 200 to 300 ships yearly. It is known that in 1587 the Danes arrested in the Sound over 600 ships belonging to the Dutch and the Zeelanders.[2]

In the mouth of the Dvina, which the English had frequented since 1553, the first Dutch ship landed only in 1578.[3] A regular Company had been formed for the Russian trade a year before at Antwerp, and one of its members, Oliver Brunel, having travelled from Lapland to Kolmogory on the Dvina, had learned there of the English trade and decided to follow their example. He sailed into the White Sea the next year and landed 15 kilometres from the English haven, in the Poudozemzk mouth of the Dvina. The Dutch were allowed by the Czar to trade here and at Kola, and soon built their first houses in Russia. It had been their intention not only to trade with Muscovy, but also to search for a north-eastern passage to Kathay; and with this object, they, as well as the English, undertook many naval expeditions to the north-east. Brunel travelled as far as the River Ob in Siberia, which was supposed to have its source in Lake Kitaï. The great explorer Barentz, wintering in the island of Novaja Zemlia, died during the return journey from the privations he had endured.

A knowledge of these few facts concerning the first activities of the Dutch in Russia, alone gives rise to several

[1] *See* for the activity of the Dutch in Lapland two Russian papers by Filippov in the *Literary Miscellanea*, old Russian series, entitled: "The Russians in Lapland in the Sixteenth Century," Vol. I, Book 3, and "The Dutch Salingen in Russia in the Sixteenth Century," Vol. IV, Book 3.

[2] Scheltema, *Russland en de Neiderlanden*, I, p. 66. Klutchevsky, in his work, *Foreign Reports of Muscovy*, spoke of the Dutch in Novgorod, p. 251.

[3] The Russian *Chronicle of the Dvina* states that the Dutch had arrived there by 1555, but this is certainly a mistake.

interesting conclusions, if compared with what is known of the position held by the English there, which has been sometimes sadly misinterpreted. On the supposition that Chancellor had been accidentally driven by a storm into the White Sea, some historians have declared that the activities of the English in Russia were merely the result of chance, and they assure us that, if the Dutch had entered Russia before the English, they would have succeeded in the same degree. But we know with what rare energy and ability Chancellor mastered the situation that chance had given him: he travelled to Moscow, interested the Czar in the English trade, received his promise of a trading privilege, made a second journey to Russia, and on his return to England took with him a Russian ambassador. By these venturous acts he not only established the English trade in Russia but also promoted an *entente cordiale* with that country which greatly assisted the development of the trade at the beginning.

It has been seen that the Dutch, on their first appearance in Russia, acted in a very different manner. Though their merchants had visited the far north for many years, they showed little desire for closer diplomatic relations. Until 1578 they made no contract with the Czar, and even after their establishment on the Dvina their relations remained exclusively commercial. Later on, in the seventeenth century, when Russian diplomatists visited Holland, they were received with cordiality, but the Dutch on their side delayed sending an ambassador to Russia. It is true that in 1615 some Dutchmen had been sent to help in the conclusion of a Russian-Swedish peace, but their efforts proved most ineffective; they showed neither patience nor ability, and were even accused of siding with Sweden against Russia.[1] Judging the difficulties too great, they soon retired, leaving to the English agent, John Merrick, the arduous task of mediating between the two powers for the

[1] *Coll. of Russ. Imp. Hist. Soc.*, Vol. 24; also Lygïne, *The Peace of Stolbovo* and *Dutch Affairs MSS.*, 1615, Aug. 15, No. 2.

conclusion of the peace of Stolbovo. Their conduct was severely criticised in Moscow, and the Dutch agent, Isaak Massa, who arrived there soon afterwards, though well known in Russia, complained of a very cold reception.[1] In spite of this, the moment was very favourable to the Dutch, as the English ambassador, Sir Dudley Digges, who had been sent to Russia with a loan, had precipitately returned, taking back with him, to the great disappointment of the Russians, nearly all the money.[2] Massa, therefore, to whom a cargo of arms for the Czar had been entrusted by the States, was soon pardoned.[3] He considered, however, that a Dutch embassy to Moscow was most necessary, and wrote many times to the States to advocate this policy.

Holland was still so deeply engaged in her relations with Spain that it proved very difficult to find ambassadors for such an uncertain journey, and Massa had to assume the sole responsibility for a *rapprochement* with Russia. He was a capable merchant and showed some diplomatic sense, but his honesty was suspected at home and his culture was perhaps inadequate even for those times. His book on Russia cannot be compared with the works of Fletcher or even Chancellor. He was, and remained, a man of only second-class abilities compared with the English diplomats of those times in Russia.

The first Dutch embassy did not arrive in Moscow until 1630, by which time the great English ambassadors such as Chancellor, Jenkinson, Randolph, Fletcher, John Merrick

[1] He lived in Russia from 1600 to 1610, and returned again in 1614, sending letters from Arkangelsk to Holland. These are published in the Russian *Messagerie de l'Europe*, 1868, January.

[2] See *English Affairs MSS.* in Moscow, 1619, No. 1, January and July; *Royal Letters* 49 and *State Pap. Russia, I*, f. 3, August 17, 1621. *Also* in my paper, "Correspondence of the first Stuarts with the Romanovs," *Roy. Hist. Soc. Trans.*, Ser. 4, Vol. I, p. 82.

[3] On the journey of Massa *see* his work, *Histoire des guerres de la Muscovie*, p. xc: "Rapport sur ce qui est arrivé au surdit Isaak Massa pendant sa mission vers le Tsar." Also *Dutch Affairs MSS.*, No. 2, 1615, August 12; 1617, July 26.

and others had already been at work there for eighty years. The correspondence of the two courts also was occasional, while between England and Russia more than 200 letters had been exchanged during the first century of their diplomatic relations.

But Holland sent to Russia capable, active and rich merchants. In the seventeenth century, when the troubles of the first Russian revolution, the "Smuta," had reduced the country to extreme poverty, Dutch money and Dutch wares were just what was needed most; so that the English, who were poorer and who showed less readiness to disburse money, were more and more supplanted by their rivals. During the reign of Ivan the Terrible, at the period when the English privilege had been obtained and the position of the English in Russia was consolidated, the Russian Government was seeking not only trade but also political friendships and even alliances abroad. At that time the ability of the English diplomats very effectively assisted the efforts of the English merchants, while the total incapacity for undertaking diplomatic relations shown by the Dutch during so many years in Russia, proved an obstacle to their success at the Muscovite court.

Even when, in 1630, the first Dutch ambassadors at last arrived at Moscow, they only consented to consider commercial questions,[1] and the same may also be said of the later embassies of 1647 and 1664.[2] Not till 1675 can it be positively stated that a Dutch embassy visited Moscow with the political design of inducing Russia to make war on Sweden. The results of this negotiation were, however, negligible.[3]

The commercial relations of both countries had been,

[1] *Coll. of the Imp. Russ. Hist. Soc.*, Vol. 116.

[2] *Dutch Affairs MSS.*, No. 13. *Dutch Charters*, No. 17. This is the first ornamented Dutch charter preserved in Moscow, but its decoration is very inferior to the beautiful illumination of some of the English charters sent to the Czars. *See* also *Dutch books MSS.*, No. 6, 1664, December.

[3] *The Embassy of K. T. Klink*, edited in Russia by Loviagine.

as will presently be seen, very effective; and at the end of the century Holland maintained in Moscow a regular commercial resident—John Wilhelm von Keller. Russia, at the beginning of the seventeenth century, was too poor easily to take offence at the political neglect of a nation of rich and active merchants, paying regular customs to the Government and bribing the most influential "boiars," but before the "Smuta" she would never have allowed herself to be treated in such a manner.

II

We must now consider the organisation of the Dutch trade in Russia. Holland has often been called the first free-trade country, where monopolies and privileges were severely censured. This has sometimes even been considered as the principal reason for the success of the Dutch in Muscovy to the detriment of the English. While the latter traded there in one privileged joint-stock company, the Dutch traded in Russia either in many small companies or as individual merchants who treated separately with the Muscovite Government. It is for this reason that we find in the Muscovian archives more grants of privileges to Dutch than to English merchants. Monopolies of certain branches of commerce were also granted by the Czars to some of these small companies, though generally only for a short period.

It is, however, not easy to state which type of organisation proved the better fitted for trading in Russia. The Czars certainly preferred the English method, finding it much easier to exercise control over a single company, in which one principal agent could be made responsible for the actions of all the factors.

Many Dutch merchants among those who traded with Russia in person, such as Massa, showed a preference for monopolies and would have liked to follow the English example; Massa complained of the exceeding hatred that different Dutch companies showed to each other and said

that this discredited the Dutch as a nation at the Russian court.[1]

One of the reasons for the lack of diplomatic relations between Holland and Russia was certainly the Dutch method of trading by means of small companies, which could not generally afford to pay the expenses of embassies, as did the English "Muscovy Company." The fact that each of these companies had to negotiate separately with the Russian Government, for privileges and safe conducts, also hampered their affairs.

It is certain that the Dutch regarded the methods of the English company in Russia as a good example—in many cases they followed that example—and thus in 1630 they decided to send a principal agent to live in Moscow, as the English had done.

It must be remembered that the organisation of the Muscovy Company had its drawback. At the beginning of the seventeenth century it was described in the House of Commons as "a shameful monopoly"; the number of shareholders was growing smaller and efforts made by the directors to raise prices in Russia by creating an artificial scarcity of wares proved profitable to the Dutch merchants alone. Both types of organisation, therefore, had their defects, as well as advantages.

Certain historians have declared, without sufficient proof, that only merchants of Amsterdam traded in Russia;[2] but we know that only one-third of the members of the Northern Company, which held the monopoly of hunting whales on the Russian coasts, were Amsterdam merchants.[3] Moreover, it has been seen that one of the first companies had been founded in Antwerp. Flemish names are fre-

[1] *Dutch Affairs MSS.* in Moscow, 1635, No. 2; 1644, No. 2; 1646, No. 5.

[2] Lüder, *Geschichte des Holländischen Handels*, p. 473. Pringsheim is of the opinion that such a monopoly in favour of Amsterdam only came into existence in 1636. In the MSS. of *Dutch Affairs* an Amsterdam Company is mentioned in 1657 as one among several others. Aug. 28, 1657, No. 2, "Letter to Czar Alexis from the Amsterdam Company."

[3] Scheltema, I, p. 61: of seventeen members six are from Amsterdam.

quently found among those of Dutch merchants trading in Russia. This seems very natural, as many active Flemish merchants at that period fled to Holland from the atrocities of the inquisition in the Spanish Netherlands.

When the embassy of 1630 was being arranged, it was decided that its members should be taken from different towns interested in the Russian trade. Certain merchants of Amsterdam, such as Klink and Fogelar, were very active in Russia, and though living in Amsterdam were commissioned to be the "gosti" (principal merchants) of the Czar himself, acting for him abroad.

Historians with special sympathies for republican government have sometimes idealized the Dutch merchants, applying to them such fancied republican virtues as special honesty and exceptional morals.[1] This, of course, is merely fanciful, for it has never been historically proved that the Dutch merchants possessed these qualities. In Russia, Dutch merchants were accused of dishonesty and bad conduct, no less than the English of the Muscovy Company: the factors and servants of all companies were often at that time persons of adventurous and unscrupulous character.[2]

The special corruption practised by all strangers in Muscovy has been often mentioned by contemporary writers. The Dutch merchants were accused by them of bribing the boiars of the Czar. One of them, De Walle, seems to have bought their protection by a fictitious loan, on which he paid interest at the rate of 25 per cent. a year, amounting to the pretty sum of 5,000 roubles. Massa ingeniously relates how he spied on the actions of Merrick in his own house, and in 1663 also the English ambassador Carlisle complained of the Dutch spying on him. The morals of the republican merchants were therefore at least as defective

[1] Lüder, op. cit., p. 621. *Coll. of the Imp. Russ. Hist. Soc.*, Vol. 116, p. vii.

[2] Concerning the merchants of the Dutch East India Company, *see* Raynal, *Histoire Philosophique*, pp. 435–6; cf. on the Dutch merchants in Brazil, Zimmermann, *Die Kolonialpolitik der Niederländer*, p. 67.

as those of the merchants of monarchies. Commercial interests made them both lose their honesty. The English stated that the Dutch fraudulently put English marks on the worst of their cloths to discredit the English wares in Russia,[1] that they publicly mocked them in caricatures, which represented England as a lion without a tail, trampling on three fallen crowns.[2] Massa, in his turn, complained in 1613 that the English had sent to the Russian Government a document in which the Dutch were represented as a dangerous nation, sowing discord between other states.[3]

In contrast to this ill-feeling some Englishmen had at first befriended the Dutch and sent petitions on their behalf to the Czar.[4] The English interlopers were in many cases the first to bring Dutchmen to Russia and to teach them the secrets of their trade. The Dutch flag, covering their own unlawful dealings, protected them from prosecution at home. Even agents of the Muscovy Company were sometimes tempted by high prices to accept Dutch wares for conveyance on their ships, escaping the payment of customs in this manner.

It is not easy to determine the number of Dutch merchants in Russia ; the system of trading in small companies makes it even more difficult to venture on statistics than in the case of the Muscovy Company. The English privileges of the seventeenth century were generally granted to twenty-three merchants, whose names were mentioned in the Charters, but we know that these were not the only members of the Company and that in fact a greater number was engaged in the trade.

With regard to the Dutch, there are in the archives of Moscow for the period from 1600 to 1630, ten different

[1] *Calendars State Papers, Domestic*, anno 1649, p. 64.

[2] Collins, " The Present State of Russia," Russian translation in *Readings of the Soc. of History and Antiquities* in Moscow, 1846, III, p. 39.

[3] *Messagerie de l'Europe*, 1868, August, letters of Massa, pp. 809–10.

[4] *Dutch Affairs MSS.*, petitions of Merrick, 1615, No. 5 ; 1616, No. 3 ; and others.

grants of privileges, mentioning fifteen merchants who were allowed to trade in the interior of Russia; later on they were permitted to increase that number, but without exceeding the English limit of twenty-three. Scheltema, however, gives the names of more than twenty-three Dutch merchants trading in Muscovy. It appears therefore that, as in the case of the English, all may not have been registered officially. Some of them probably only traded to Arkangelsk, having no permission to go farther. When a Czar died, the privileges were confirmed by his successor.[1]

The English privilege gave a general authorisation to come to the country and to return, as well as to travel in the interior of Muscovy. But the Dutch do not seem to have all been treated alike, and we find in the archives many papers from Dutch merchants petitioning separately for permission to make commercial journeys.[2] The English only made such requests after 1649, when they had lost their privileges. The privileges given to the Dutch are in some points similar to those of the Muscovy Company; for example, the Dutch could only be committed to justice in Moscow and had their own houses in Muscovite towns. The chief difference between the Dutch and English privilege lay in the payment of customs by the Dutch, while the English were generally free from these. Though some of the Dutch companies were for a short time exempted from such payments or allowed to pay less than others,[3] these were only rare exceptions. The general rule was that the Dutch had to pay heavy customs in Russia, while the

[1] *Dutch Affairs MSS.*, 1631, No. 2; 1658, No. 2. *Dutch Charters*, No. 16, 1647.

[2] *See*, for example, in 1647 a petition of seventeen Dutch merchants for permission to pass from Moscow to Arkangelsk.

[3] Fogelar, Klink and their companion were allowed to pay the half-customs, and after 1614 were entirely exempted for three years from all customs. In 1641 they pretended that their privilege of paying half-customs was still in force; *Acts of the Archeograph Commission* (in Russian), III, No. 17. *Dutch Affairs MSS.*, 1641, No. 3; 1642, No. 2; June 15, 1646; May 25, 1659, and July 31, 1661.

English, as a reward for their discovery of the northern sea-route, were free from them.

In the finance of the Muscovite State of the seventeenth century, the revenue from commercial customs played a most important part. The Russian merchant paid 15 per cent. on his wares, but the non-exempted stranger paid about double that sum. In spite of these dues, foreign merchants found the customs of Arkangelsk less heavy than those of the Baltic trade.

In 1664, when the Dutch had definitely taken the place of the English in Moscow, their ambassador Borel petitioned the Muscovite Government that they might be exempted from customs for as many years as the English had been; but this request was of course refused,[1] and the new Muscovite commercial statute of 1667 prohibited all strangers from trading custom-free in Arkangelsk. This statute was objected to on many grounds, and the Dutch petitioned for its abolition, but without success.

The payment of customs was the cause of dissatisfaction and unlawful dealings on both sides. The Dutch merchants tried to hide part of their wares,[2] and the Russian customers in Arkangelsk extorted bribes or demanded more than was lawful.[3]

Dutch houses are mentioned in the seventeenth century in many Russian towns, such as Moscow, Vologda, Kolmogory, Archangel,[4] Kola, Yaroslavl, Novgorod, Pscov. The English merchants usually lived together in the same house, but the Dutch, trading in many different and hostile companies, often insisted on having separate houses.[5]

[1] *Dutch Books MSS.*, No. 6, Dec.–June, 1664, and *Dutch Affairs MSS.*, No. 5. June. *See* also Scheltema, I, p. 262.

[2] Massa stated that in 1619 some Dutch merchants had concealed more than half their wares. *Messagerie de l'Europe*, 1868, pp. 800–4. Also *Collection of Kilkov* (Russian), No. 82.

[3] *Dutch Affairs MSS.*, No. 8, 1647, and 1644, No. 1; *Dutch Charters*, No. 31, 1669; *Dutch Books MSS.*, No. 1, 1662; No. 7, 1669 and 1671.

[4] One of the landing-places at this port belonged to the Dutch merchant Klink; *Dutch Affairs MSS.*, 1637, No. 6.

[5] *Dutch Affairs MSS.*, 1637 and 1638, No. 6.

Some were very sumptuously housed ; for instance, the house of the Dutch merchant De Walle in Moscow was so large and well appointed that ambassadors were generally lodged there.

In 1673 all strangers were forbidden to live in the capital itself and were forced to leave it for a suburb, which received the name of the " German Sloboda," the word " German " comprising in Russian all strangers. Some of the Dutch merchants asked to remain in town in order to carry on their business. In 1664 their ambassador, Borel, handed to the Muscovite Government a general petition concerning this question ; but at that time strangers of all nations were only allowed to live in the city as an exceptional privilege. The " German suburb " by this time resembled a small but well-arranged Western town on the outskirts of the ancient immense and dirty capital. Foreigners were able to live more freely and agreeably in this new suburb.

III

The commerce of both nations in Russia was in some respects similar, though it differed in certain points. Both brought to the country textile and metal goods, spices and such other commodities as were required by a backward nation having no manufactures but with a luxurious court. The English were specially anxious to sell their own cloths,[1] while the Dutch, being rather a commercial than an industrial nation, sold with equal readiness wares of all description and of all countries of origin.

The special policy adopted by the shareholders of the Muscovy Company, as well as the lack of capital which hampered the English, affected their imports unfavourably and displeased the Russian Government, which needed wares from abroad. The Russian policy was to facilitate importation and to restrict exports. The English were forced to recognise that the Dutch could offer a wider

[1] *See* Inna Lubimenko, " Les marchands anglais en Russie au XVII[e] siècle," *Revue Hist.*, t. cxli, ann. 1922, pp. 19–20.

choice of articles often at cheaper prices than the English wares, though sometimes of inferior quality. But poor uncultured nations are generally tempted by low prices rather than by high quality.

In the seventeenth century Holland was the first maritime nation in Europe, having control of the wares of the East Indies and employing far more ships and capital than the English.

Massa gave a list of the principal wares imported by the Dutch into Russia, including linen, haberdashery and Nuremberg goods.[1] A list written in 1673 comprises coins of different countries, gold and silver, jewels, pearls, silks, clothes, cottons and linens of all kinds, leather, ribbon, buttons and other small articles.[2]

Both nations were rivals in the sale of cloth, but the Russian buyer was soon tempted by the cheaper Dutch cloth and even preferred their cottons and linens to woollen fabrics, using them in the place of cloth.[3]

Both nations imported arms to Muscovy and occasionally procured Western soldiers and officers, a service greatly appreciated by the Czars, but violently opposed by the King of Poland and the Emperor. For example, in 1653 the Czar requested the States to send to him 20,000 muskets and from 20,000 to 30,000 pouds[4] of gunpowder. Five years later the English agent Hebdon was sent from Russia to buy guns and recruit officers from abroad.[5]

Russian exports are described in several documents with much detail. The Swede *Kilburger*, who wrote in the seventeenth century a most valuable book on Russian commerce, gave lists of exports, including fish, caviare,

[1] *Messagerie de l'Europe*, 1868, Aug., p. 811. Istomine, "Concerning Foreign Wares brought to Arkangelsk at the beginning of the Seventeenth Century," *Gubernsky Vedomosti of Arkangelsk*, No. 4, 1863.

[2] Kilburger, pp. 136–9.

[3] Collins, op. cit., ed. 1667, III, p. 38.

[4] The "poud" is a Russian measure of weight, containing 40 Russian pounds, the Russian pound containing 420 grams.

[5] *Dutch Affairs MSS.*, 1653, No. 7; 1658, No. 1; *Coll. of Charters and Treaties* (Russian), III, No. 93, 1673.

furs, flax, hemp, tar, tallow, whale-fins, rhubarb, masts, cordage, soaps, and skins.

Though Holland sometimes acted as a storehouse for grain for other European countries, she suffered occasionally from bad harvests and the consequent scarcity of grain. After 1628 the prices of corn rose precipitately throughout Europe. As the Russian Czars sold 200,000 quarters of corn annually to foreigners, both the Dutch and the English naturally expected to be especially favoured as buyers. Charles I, therefore, sent several letters to the Czar requesting that various specified Englishmen [1] might be allowed to export grain from Russia. In this case, however, it appears that the King was not so much anxious to save his subjects from possible hunger as to favour the desires of certain of his courtiers, who hoped to make large profits by the sale of this corn. Such at least was the opinion of the principal agent of the Muscovy Company, Fabian Smith, who refused to assist the King in furthering his schemes,[2] and his attitude certainly hampered the exportation of grain to England.

By 1628 the Dutch had begun to buy grain in Russia ; [3] but the different companies struggled against each other for this trade, and the Czar, who held the monopoly of the sale, profited by this state of affairs to raise prices. In 1631 the Dutch merchant Vinius asked to be allowed to buy from 100 to 120 quarters of grain, paying at the rate of 55 thalers the ton, or 75 thalers if the grain could be conveyed by Russian labour to the ship. Another Dutch company, Nikerke and Tripp, finding such prices excessive, offered to the States-General the necessary funds to pay an embassy with the object of obtaining a monopoly of the corn-trade for this company.

[1] Inna Lubimenko, "The Correspondence of the first Stuarts with the first Romanovs," *R. Hist. Soc. Trans.*, Ser. 4, Vol. I, 1918, pp. 87–8.

[2] Letter of Smith to Secretary Cook, dated from Arkangelsk, Aug. 24, 1623, *State Pap. Russia, II* ; *see* also *ibid.*, the letter of the Czar, ff. 103 and 116.

[3] *Dutch Charters*, No. 10, Nov. 16, 1628.

This embassy arrived in Moscow in 1630. The ambassadors explained to the Czar that the Dutch had hitherto bought Russian grain from the Scandinavians, and that Poland, the natural enemy of Russia, had grown rich by selling grain abroad and would be ruined if the Czar entered into a determined competition with her. The Dutch further proposed to send from Holland husbandmen who would plough the land and sow grain in those parts of Muscovy not already cultivated. These proposals, however, were received with little sympathy but with some suspicion, and the Dutch were only permitted to buy 100,000 quarters of corn at the same high prices as had been paid by Vinius. These terms were only accepted after the States had reaffirmed their great need of grain.[1]

Other Dutch merchants also bought corn in Russia, and profiting by the great scarcity in all European countries, resold it to the other nations at excessive prices, although such speculations had been severely forbidden by the States-General. Since Holland was sparsely wooded the products of the immense Russian forests were in great demand there. The Dutch ambassador, Burg, succeeded in obtaining permission to fell wood on the Suchona River. Tar had already been exported by the English, but now this commodity passed entirely into Dutch hands. In 1636 the English agent, Wiche, petitioned the Czar that after the expiration of the Dutch monopoly of tar, it might be granted to the English. In spite of this petition, however, the monopoly remained in Dutch hands [2] and the English were obliged to obtain special permission for every purchase, and, failing this, to buy in Stockholm. In 1663, Charles II, when informing the Czar of the Dutch-English war, asked him not to supply his enemies with any further masts or tar, and not to allow any but the English to buy these articles.

[1] For details of this transaction, *see* the account of the Embassy of 1630, *Coll. of the Imp. Russ. Hist. Soc.*, Vol. 116.

[2] Fochner, *Chronik der evangelischen Gemeinden in Moscou*, Vol. I, p. 302; *State Papers, Russia, II*, and *English Affairs MSS.* (in Moscow), March 16, No. 4. Also Scheltema, I, p. 162.

Neither of the combatant nations, however, was allowed to make such purchases.[1]

During the reign of Czar Alexis, Amsterdam traders had joined with German merchants in a combined company to fell timber for masts on the Suchona, and they loaded four ships for exportation.

Of the other products of the Russian forests, ashes were burnt by the English on a large scale even in the seventeenth century; while the States obtained saltpetre from Russia, but only as a present [2] and not in the way of general trade. Russian furs were often bought up by the merchants of Hamburg, though some historians assure us that there was a period, after 1640, when this trade was in Dutch hands.[3] The best kinds were monopolized towards the end of the century by the Czar himself, who had become the principal merchant of his kingdom. The English usually only purchased the cheaper varieties, but the Dutch bought the costly beaver and sable sold exclusively by the Czar.[4]

The trade in fish, and especially the whaling industry, was the cause of a bitter struggle between the two nations. From the time of their first appearance in the north of Russia, the Dutch had organised a fish-trade with the Russian monks of Petchenga. In 1578 the English complained that the Dutch bought up supplies of fish under their very eyes. On the river Volga caviare was the most prized article of exportation. Italy seems to have been the principal customer for this delicacy, but the trade was also carried on by the Dutch, who had wrested it from the English.[5]

In 1577 the Muscovy Company obtained a monopoly

[1] *English Charters*, No. 97, 1663, and No. 98, 1666; also *English Affairs MSS.*, 1666, No. 1.

[2] Kilburger, op. cit., p. 51; Lubimenko, "Les marchands anglais en Russie au XVII[e] siècle," *Rev. Hist.*, t. cxli, p. 23.

[3] Kilburger, p. 35; Scheltema, I, p. 172.

[4] Janitzky, *The Fur Trade in the Seventeenth Century* (Coll. of the Hist. Ethnograph Circle in Kiev, I, pp. 61–93.)

[5] *Cal. S. P. Dom.*, anno 1617, p. 503.

for hunting whales and walruses [1] and in 1608 thirty-one tons of train-oil were for the first time obtained. In 1617 the English ships, sailing to Spitsbergen, met with the Dutch [2] and from that time a yearly maritime war was waged in these waters between the fishers of both nations. The English "Greenland Company" and the Dutch "Nordsche Companie," both of which had obtained from their respective Governments the monopoly of the whale fishing,[3] became mortal enemies and were constantly quarrelling with each other, though it was probably English interlopers who first guided the Dutch to Spitsbergen. Each nation sent out yearly from ten to twenty ships, some of them well armed, and veritable battles were fought in the northern waters and specially at Spitsbergen. These contests formed a prelude to the later Anglo-Dutch wars.

If the Far North was attractive to these maritime nations by reason of its whales and fish, the Dutch and English were also desirous of developing their trade in a southern direction, by way of the Volga and the Caspian Sea, in order to establish a trade with Persia. In the sixteenth century the English had made excellent profits from this Persian trade, but soon afterwards the wars of the Persians and Turks interrupted the trade, and at a later period the Czars refused to allow the English passage to the south-east. In the seventeenth century both nations tried to obtain a privilege from the Czars for the Persian trade. Nearly every English and Dutch embassy requested such a licence. In 1618, when the English had been forced to abandon all their privileges in Russia, the Dutch again petitioned for a monopoly of this trade for a period of thirty years to be granted to the Company of Filippo.

[1] C. Carr, *Select Charters of Trading Companies*, pp. 28–30.

[2] MSS. of Hamel at the Acad. of Science in Petrograd, Vol. xxxi, No. 1378. British Museum Add. MSS., 33837, f. 76.

[3] *Cal. S. P. Dom.*, Vol. 1615–25, Addenda, anno 1613, p. 546, and Vol. 1611–18, p. 252; also *Patent Roll*, 11 Jas. I, Part 15; Exch. K.R., 6 Ch. I; British Museum, Lansdowne MSS., 142, f. 191. Concerning the Dutch, *see* Müller, *Der Nordsche Companie*.

This pioneer offered to pay a tax of 2 per cent. on all the money that he brought into Russia and 30 gildens for each pack of raw silk exported from Persia, if the Russian Government would undertake to protect his ships from robbers during the long journey from the Caspian to Archangel. This offer was not, however, accepted, because the Czar preferred to keep the trade with Persia in his own hands, exchanging gold, copper, sables and linen for raw Persian silk.[1]

The foregoing account leads to the conclusion that both nations were active in the Russian market in the first half of the seventeenth century ; but that the Dutch, who were becoming more and more successful in this commerce, systematically drove the English from the trade. From 1649, the date when they lost their privileges, the English had been forbidden to travel into the interior of Russia.

Not only were the Dutch very active in their trade in Russia, but they also developed several new industries in that country. The English had, at an earlier date, established rope-walks at Vologda and Kolmogory, making Russian cordage which became one of their principal articles of export. They had also prospected for metals in the northern forest, and Russian iron-ore was smelted in London at the end of the seventeenth century.

The real founders of the Russian metal industries were, however, the Dutch. Having succeeded in obtaining permission from Czar Michael to search for metals in different parts of Russia, the Dutch established iron and copper works in the province of Tula, in the north-east, on the rivers Cheksna and Kostroma and also on the road from Kaluga to Moscow, on the Lake of Onega and on the river Mezen. Nails, iron and brass ware, bells, cannon and

[1] *Coll. of the Imp. Russ. Hist. Soc.*, Vol. 116, pp. 178–9. The organisation of a Persian Company, of Amsterdam merchants, was discussed at various times in Holland. *See* Greifenhagen, *Archangelsk Handelskonkurrentin Revals im XVIIIn Jahrhundert ; Beitrage zur Kunde Est-Liv. and Kurlands*, 4, I, p. 170.

cannon-balls were made from this ore, the cannon being sent to Holland and England.

The principal ironworks had been granted by the Czar in 1632 to the Dutchman Vinius with a partner and, in addition, an allowance of 3,000 roubles a year was granted to them, with the stipulation that they should teach the Russians all the necessary processes. One of these Dutchmen, Marselis, afterwards became principal director [1] of the works, and experts and workmen were often hired from abroad.

Though the metal works formed the principal Russian industry of the period, manufactures of paper, glass and cloth were also established by the Dutch.[2] Their architects assisted in the construction of the new stone buildings set up in the Russian towns, which had been hitherto built of wood,[3] and Dutchmen were engaged to construct and arm the first large Russian ships.

The first Russian seaport, Archangel, had been founded under Dutch influence.[4] The English protested against the chosen site and raised some objections against leaving Rose Island, where they had established their factory; Arkangelsk seemed at first to be better situated, as it was less accessible to sea-pirates and farther from the open sea; but the English objections proved later to have been well-founded. The bar of Poudozemsk over which the foreign ships had to pass to reach Arkangelsk, was shallow, and soon both nations complained of bad accidents at this point, losses of ships and wares,[5] and petitioned the Mus-

[1] Kilburger, pp. 165, 444, 458; and Scheltema, I, pp. 229–30 and 282.

[2] *Coll. of Charters and Treaties* (Russian), III, 351; Kornilovitch, p. 61.

[3] In 1632 the fortress was built at Rostov, *see Dutch Affairs MSS.*, 1632, No. 2. Dutch architects were sent to Astrakan and to Cerek. *Chronik of the Dvina*, 29, and Scheltema, I, 121.

[4] *Archeological Proceedings* (Russian), I, p. 880, Charter of March 4, 1583; Wassenaer, *Hist. Verh.*, VIII, p. 916; *Coll. Imp. Russ. Hist. Soc.*, Vol. 116, pp. liii–lv.

[5] *English Charters* (in Moscow), Nos. 42, 45, 46 and 58; *English Affairs MSS.*, 1613, June 14, No. 2; *Coll. Imp. Russ. Hist. Soc.*, Vol. 116, p. 90. Also the Czar's letter dated May 31, 1637, in *State Papers Russia, II.*

covite Government for permission to use the other route over the Berezovo. They had to wait long years, however, before they were allowed to change their route, for the Czar grudged the outlay necessary before this new bar could be used, and the foreign merchants refused to pay supplementary custom to cover the cost.[1]

A post service for foreign letters was established in Russia in the seventeenth century by the Dutch merchants, and some of them, for example Van Sweden and Peter Marselis, were put at the head of it by the Czar.

It is noticeable that the activities of the Dutch in Russia were not limited to commerce alone but were extended more and more into various departments of Russian economics, where the English had not always sufficient energy to follow them.

IV

It would be a most interesting study, if it could be carried out, to discover the position of the Russian market with regard to the total international trade of that epoch. The Baltic trade was of special importance to the Dutch, and, compared with this, the trade of Archangel was certainly only small. Some Dutch merchants, indeed, declared that Russia might become the Sicily of Holland, but the actual accomplishment remained very far below their expectations. Some Dutch historians have, with more reason, called the Muscovite trade a " modest episode " in Dutch economic enterprise.

The average number of Dutch ships trading annually to Archangel may be estimated as between twenty and thirty in the seventeenth century, at a time when 500 sailed yearly to Denmark and Norway and 2,000 to Spain. Russian historians should always have these numbers in mind, since they show very clearly how necessary the trade of the Baltic Sea had always been to Russia and how impossible

[1] Ogorodnikov, *History of the Town of Archangel* (in Russian); *Marine Collection* (*Morskoy Sbornik*), 10, p. 117.

it was that the White Sea could ever compare with it. The true view, perhaps, is that in the economic life of European nations the Muscovite trade of that time should be compared rather with the colonial than the European commerce. The long voyage to reach Archangel, the primitive conditions of Muscovite life, the immense obstacles of language, national character, and customs, all combined to render a journey to Russia nearly as difficult as a colonial expedition.

If we compare the numbers of twenty to thirty yearly ships to Archangel with the known colonial figures, as, for instance, ten ships to Guinea, three to China, seven to the East Indies [1] and so on, it may be seen that the differences between these and the numbers engaged in the Russian trade are very small compared with the inequality of the Russian and other European markets. While the annual tonnage engaged in the Baltic trade amounted to 300,000 tons at the beginning of the seventeenth century, only 2,400 tons comprised the whole traffic of Archangel. The Dutch trade to Russia, however, showed a regular increase until about 1660. In 1582 only three Dutch ships came to Archangel, in 1600 the number was nine, in 1618 thirty and in 1658 over fifty.[2] But at the end of the century this number began to fall; in 1669 only twenty-two Dutch ships are mentioned as arriving at Archangel, and later on the numbers vary between thirty and forty.[3]

A comparison between the numbers of Dutch and English ships is also interesting. In 1603 an English pamphlet stated that the Dutch were sending regularly thirty to forty ships yearly, and the English only two or three.[4] Massa wrote that while in 1618 thirty Dutch ships at least

[1] Differee, *De Geschiedenis van der Nederl. Handel*, pp. 176–7.

[2] *Coll. Imp. Russ. Soc.*, Vol. 116, p. cclxxxi; Ogorodnikov, op. cit. In 1614 the Government of the States, in writing to the Czar, stated that the Dutch were sending more ships yearly to Russia than all other nations together; *Dutch Charters*, 1614, March 27, No. 1, from The Hague.

[3] Scheltema, I, p. 225; Kilburger, p. 163.

[4] Naudé, *Getreidehandelspolitik*, p. 338.

had come to Archangel, of the English there were only three.[1] The number of Dutch ships was therefore at least ten times as great as that of the English; but information seems to show that the English ships were generally larger than the Dutch vessels. At the period of the Anglo-Dutch wars both nations began to send larger ships than had been used before.

One of the authorities on Dutch commerce in Russia, Müller, computes the Dutch capital employed in Russia in 1624 at the sum of 2,000,000 florins. The English capital, at the time of their greatest activity in Muscovy, does not appear to have exceeded £80,000, or only one-third as much as the total amount of the Dutch capital, as given by Müller.

It is therefore apparent that both in the number of ships sent to Archangel and the capital invested in the Russian trade, the Dutch commerce greatly exceeded the English.[2]

It is not easy to determine the number of Dutch merchants in Russia during the whole period under review. It seems probable that the Dutch were more numerous than the English, as their business was on a larger scale and their activities were more extensive. The trade carried on by several companies, also, made it necessary for the Dutch to employ more factors than a single company, such as the English, where one factor could trade for many merchants.

The reason of the Dutch predominance in Russia in the seventeenth century has often been discussed. Some historians have considered it to be due to the freer organisation of the Dutch trade or to the higher moral standard of the Dutch merchants. But their special honesty has never been proved, and the comparative utility of regulated

[1] *Messagerie de l'Europe*, 1668, December, pp. 800–4.

[2] The statistics given above do not include the results of the important researches of Miss Watts-Smith in the recently discovered "Port Books" at the Public Record Office and in many other hitherto unused sources.

and free trade at that time remains also an undecided question. The problem cannot, therefore, be explained on these grounds.

Probably the real cause of the Dutch success lay much deeper. The economic struggle of both nations in Russia must be considered as only a part of their general contest, carried on throughout Europe and in the colonies. Viewed in this light, the fact that the Dutch wrested the Muscovite market from the English becomes very natural and easy to explain.

The deplorable political conditions of England during the reign of Charles I and the Civil War had a depressing influence on her economic powers, while Holland, after her successful struggle against Spain, was able to develop her economic life to an exceptional degree. The English privilege had become, in the seventeenth century, more dangerous than profitable to themselves. Being so poor, the English merchants naturally held fast to their exemption from paying customs. The Muscovite Government, which was losing great sums in this way, became more and more inclined to favour the commerce of the Dutch, which enriched the Russian treasury, and to discourage the English trade, which brought it no direct profit. Though the English monarchy had at first found sympathy and friendship in autocratic Russia and was naturally preferred to the republican government of the States, the English Civil War and its excesses were a sufficient reason for the loss of such amity.

The statesmanlike policy of Cromwell, however, and the English successes of the Anglo-Dutch War, in which the naval losses of Holland were greater than those of England, changed the respective positions of both nations, and this change was also felt in Russia where, in the reign of Peter the Great, the English began to recover their lost ground. During his travels abroad, Peter had lived in Holland and learnt personally the art of building ships there, but he also greatly admired England, which he had

visited, and realised that it would become a great naval Power. English teachers were invited to Russia, especially to its new naval school.

With the reign of Peter I, the modern history of Russia begins. During the Muscovite period, which has been the object of our study, the Russian market and the Russian Government were certainly under the influence of the Dutch, who had superseded the English. While the sixteenth century, from 1553 onwards, was the period of English influence in Muscovy, the seventeenth may be considered as the epoch of Dutch predominance in Russia, as it was also the century of the great economic expansion of Holland. Though, thanks to the great ability of their envoys, the English were able to keep their exceptional privileges until 1649, these proved powerless to protect their trade against the rising commercial power of the Dutch. But even after the terms of the English privilege had ceased to correspond with their actual economic position in Russia, they continued in force for some time (though of little real value), and they were not definitely revoked until 1649. From that date until the end of the century the Dutch certainly occupied the position of teachers and masters in Russian economic life.

THE COURTS AND COURT ROLLS OF ST. ALBANS ABBEY

By Miss A. E. Levett, M.A., F.R.Hist.S.

Read March 13, 1924

Few stories in English Economic History are better known than that of the Peasants' Revolt at St. Albans. Wat Tyler's dramatic career is indeed more familiar, but its interest has long been recognised as more strictly political than social. Kent was rising against taxation and an unpopular foreign policy rather than against manorial conditions. The maxim "In Kent there is no villenage" had just enough truth in it to put the Kentish men on a different footing from their brothers in other counties.

But the St. Albans rebellion was a genuine uprising of villeins against their lord, against seigneurial burdens. Both in the *Gesta Abbatum* and in Walsingham's *Historia Anglicana* the tale is told, fully and dramatically. Evidently there was much burning of parchments, of what nature is not always very clear. One cannot help sympathising with the Abbot's embarrassment when he was urged, so forcibly, to produce the Charter of Liberties, with initial letters in azure and gold, given to the villeins' forefathers by King Offa. Of the existence of such a charter the Abbot, like every one else in the Abbey, now heard for the first time. His only resource was to offer to swear upon the Blessed Sacrament that he would hand over such a Charter if he should ever be able to find it, and to send out to the rebels parchment, ink and a scribe, asking them to make their own Charter. But when the villeins of Barnet demanded that he should hand over to them "quemdam librum confectum de Rotulis Curiarum" the case was very different. They asked, says the Chronicler,[1] because

[1] *Gesta Abbatum*, III, 328.

this book proved that almost all the houses in Barnet were held by the Rolls, whereas in the time of pestilence the inhabitants had taken advantage of the absence of the Cellarer and Seneschal, to concoct false charters, alienating tenements among themselves by deed, as if they had been free men with free tenements. The Abbot, Thomas de la Mare, knew only too well the origin and the importance of this book.

It has perhaps been too hastily assumed that there are practically no sources for the history of the St. Albans estates, beyond the chronicles. Indeed, the very excellence of the chronicles seems to have told against further investigation. It is true that there are practically no Court Rolls of any St. Albans manor in the Record Office,[1] and only the most fragmentary Minister's Accounts of one or two small manors. The Dean of St. Albans assures me that absolutely nothing in the way of records or other manuscripts was left to the Abbey at the Dissolution. I have been unable to discover any hint of the existence of original Court Rolls anywhere, except one fragment in the British Museum for Winslow. Cartularies and custumals are damaged and not easily utilised, and have never been printed. Nevertheless, in the Cambridge University Library there is a "Liber confectus de Rotulis Curiarum"—a Register of Court Rolls of the Manor of Winslow, in Bucks, covering the whole reign of Edward III, and the reign of Henvy VI, but with no intervening entries. From this Seebohm derived much of his knowledge of the detailed working of a mediæval manor; it was known to Maitland, who used its evidence as to the working of the Courts; extracts from it were printed by Cunningham to illustrate the ravages of the Black Death.

In the British Museum there are, and have long been, two similar books, the Registers for Codicote and Croxley, which describe themselves as *Extracta Halimotorum*; the

[1] One or two isolated Rolls for small or sub-divided manors (e.g. Shenley) throw very little light upon the general questions of administration.

Croxley Register was once the property of William Cole, the antiquary, who left a transcript of a large portion of the MS. These two Registers were used by the writers in the *Victoria County History*, but rather spasmodically, to illustrate now this point and now that. Otherwise, I cannot trace any use of them by historians. They were not apparently examined by André Réville for his great work on the Rising of 1381. The St. Albans Formulary Book in the Cambridge University Library contains much valuable matter which was drawn upon by Sir Paul Vinogradoff to illustrate and elucidate several questions of the Law and Custom of Manorial Courts, but his work for the most part does not touch upon the fourteenth century.

It must be evident, however, that these materials, with two or three small Extents (in the British Museum) of St. Albans manors in the fourteenth century, would have afforded material for an interesting study of the Abbey's policy towards its villeins, based on documentary, instead of on narrative evidence. It is rather strange that no such study has been attempted for so prominent an Abbey; possibly because the chronicle evidence is so full and clear.

In the spring of 1922 I had reached this point in my investigations, when the field was suddenly widened by the acquisition of three more Registers by the British Museum, Cashio and Park, and Barnet. These Registers, which had never before been out of private hands, contained peculiarly valuable information as to the working of the St. Albans Courts. Further enquiry led me to discover the Register of Abbot's Langley at Sidney Sussex College; of Kingsbury, Westwick and Childwick at Gorhambury;[1] and of New-

[1] The MS. at Gorhambury is mentioned in the Report of the Hist. MSS. Commission; I was very kindly given permission to use it and to make extracts; it proved to be somewhat off the usual lines. In 1240 the whole manor belonged to the Cellarer, and the Register is kept in the usual way, but by 1270 Kingsbury has been transferred to the Refectorarius, while Childwick and Westwick, very small manors, remain to the Cellarer, at least until 1303, when their Registers break off.

land Squillers in the Bodleian. The existence of these registers was perfectly well known, but apparently no one had ever thought of treating them as a group. In the winter of 1922-3 an Extent for Codicote and a small Cartulary of unique interest was sent by a private owner to Sir Paul Vinogradoff for his opinion and was subsequently purchased by the British Museum. Here then was abundant new material. What was its nature, and how came it to be thus preserved?

In the Barnet Register, under the year 1355, is the following heading:—"Curia tenta apud Gryndlesgate die lune in festo sancti Dunstani Episcopi, anno R.R.E. tercii a Conquestu xxviii, Temporibus venerabilis patris et dompni Thome de la Mare Abbatis et fratris Johannis Mote, Cellerarii qui fecerunt fieri hunc librum ad solacium cellerariorum imposterum futurorum."

Now the John de la Mote who was Cellarer in 1355 was Prior in 1381, the unpopular Prior who took flight, together with learned lawyers of the Abbot's household, before the first oncoming of the rebels, and only stopped when he reached Tynemouth.

The Abbot would have known full well the value of the Register which his Cellarer and Prior had initiated, and it is very clear that he did not give up the book demanded by the villeins of Barnet, although he promised to do so after a delay of three weeks. It is probable that large numbers of the Court Rolls themselves were destroyed during the rising (though the Chroniclers mention principally the records of the Archdeacon), but so long as the Registers survived, the Abbots had at hand all the evidence that was important to them.

John de la Mote did not precisely explain his reasons for making the Registers, but it is clear that the process of searching the Rolls had grown extremely common before the time of pestilence, and was probably even more necessary after the destruction of so much of the wisdom and memory of the *Villata*. Moreover, a Court Roll is not a convenient

Record to search, and as they were kept confusedly "*in stabulo*," the task of searching must have been somewhat heavy. It was evidently customary early in the fourteenth century to produce the Roll or a copy of part of it either in the Court at St. Albans, or on the manor in question.

There were thus good reasons to believe that future Cellarers would be solaced by the making of these Registers. The handwriting of the MSS. agrees with this account of their origin; in most of the Registers it is a fourteenth-century hand (possibly two) which makes all the entries from the beginning (*c.* 1240) to the end of Edward III's reign—a hand which develops and changes as it copies different originals, but which is, I think, obviously due to the same scribe. A sharp change comes in 1377, and again for the reigns of Henry IV, V and VI. The Gorhambury Register begins in the fourteenth-century hand, but the greater part of it is in what I take to be a late fifteenth-century or early sixteenth-century hand.

Such is the new manuscript material which I am anxious to use in elucidating the history of the Abbey's manorial policy. To illustrate its value, I should like to describe briefly the ground covered by these Registers, both in date and in subject matter, and under the two broad headings of economic value and legal value. The two overlap considerably, but are separable in a preliminary survey.

First as to date.

The earliest entries begin in 1236. That is, some four or five years earlier than the earliest Court Rolls known to Maitland, and nearly ten years earlier (and far more elaborate) than the first entries in his *Select Pleas in Manorial Courts*. I know of nothing to compare with these Registers in date except the summarised notes of the Courts entered on the Winchester Pipe Rolls, which extend from 1208. Occasionally an entry is missing, or a space is left by the scribe, with a marginal note "Nichil inveni." Once at

least he adds, with a pleasant candour, "Plura sunt notabilia que non possunt legi." In 1342, at Park we find an entry showing the practical purpose of the Registers, "Istud placitum nimis diffuse habetur in Rotulo, hic tamen inserit in compendio."

But for the most part, each Register contains two regular entries per annum; the heading refers usually to the *Halimotum*, sometimes to the *Curia*, but there is apparently no distinction between the two. If more frequent meetings were held, and certain business (e.g. Heriots) had to be reported to the Cellarer without waiting till the next Halimot, it is evident that the proceedings of such. meetings were only recorded twice a year. View of Frankpledge is mentioned only very occasionally and irregularly at the end of the main entries, and then only in a note *De visu franciplegii, vis viiid.* In the Register at Gorhambury the View of Frankpledge is entered more frequently—after 1272—sometimes alone, and sometimes combined with the *Curia.* The Registers extend in some cases to the Dissolution of the Abbey, in some only to the end of Henry VI's reign; I do not think there is one which goes straight through, without the omission of one or another reign. Fortunately most of them are fairly complete for the fourteenth century.

Maitland has said that a Court Roll was primarily an economic document, not intended to afford evidence of title, or as a record of litigation, but to tell of fines, amercements and perquisites. This appears to me to be scarcely true of these Extracts from the St. Albans Court Rolls; from the beginning they have a predominantly legal interest, and I think purpose, although they contain much economic information. I propose to give a very brief preliminary estimate of the economic condition of the Abbey estates, and to return at greater length to the legal and judicial questions. The economic history of this Abbey's manors is somewhat difficult to trace in the absence of Ministers' Accounts. It has to be gathered up, piecemeal, here and

there, and deduced from the entries in the Court Rolls. I have not progressed far with this investigation, but a few points emerge very clearly.

The manors of the Liberty were not wealthy, as the Bishop of Winchester counted wealth, and the holdings of the villeins were small; virgates are few in the Extents, and half-virgates and ferlingates or even smaller plots are the common measure. Geographically, though not legally, much of the district must have been forest up to a comparatively late period, perhaps reduced to system and manorial organisation late and somewhat artificially.[1] The proximity of London is to be noted, as producing an interchange of migration to the city and a sharper demand for land.

The whole Liberty of St. Albans lies just south of the classic open fields of Hitchin. Dr. H. L. Gray[2] places most of it outside the three-field area, but there is clear evidence that some at least of the Abbey's manors were organised on the three-field system, with arable land lying in half-acre strips. There is interesting evidence of the different sizes of the three fields, and in one case rents varied according to the rotation of fallow and cultivated land. Throughout the thirteenth century there is evidence of a very keen trade in land; sales, leases, exchanges follow each other rapidly in the records, usually for very small plots. The extreme subdivision of holdings led to difficulties in collecting services or fines; many entries show the minute records which needed to be kept, when one tenant, for example, would pay 1¼d. towards Sheriff's Aid every three years. Commutation had then progressed considerably by 1349, and still more by 1381, but there is no trace of any dramatic developments. The Black Death took a very heavy but irregular toll of the manorial populations; seventy deaths are recorded at one township of Winslow; only five in another, and an average of seven in four townships. Abbot's

[1] Cf. Wheathamsted (*Victoria County History*).
[2] Gray, H. L., *English Field Systems.*

Langley had a death roll of over seventy, but only four or five tenements were left vacant, while about twenty were inherited by minors, some of whom were placed under communal guardianship. But there is no break whatever in the continuity of the Rolls, or of the system. On none of the manors do I find any evidence of more than one or two tenements left vacant.

Marriages were exceptionally frequent for a year or two, and then all went on as before. The Abbot exacted a subsidy from his tenants in 1351 and it was duly paid. The difference between the customary rents paid and the actual value or economic rent of the land is noted on one Roll, and is an interesting comment on the demand for a uniform rent of 4*d*. per acre.

There is considerable evidence of the progress of enclosure among the villein tenements ; even as early as 1240 there are repeatedly questions about hedges referred to the judgment of the neighbours ; in 1362, at Winslow, there was apparently a wholesale re-arrangement and exchange of tenements among the tenants themselves. There is clear evidence at Abbot's Langley that single acres were hedged and ditched separately. The demesne is leased piecemeal, and the process evidently begins before 1349 (e.g. lease of 112 acres at Winslow in 1347). The two or three imperfect Ministers' Accounts I have seen are unfortunately for small manors, of which I have no other records ; they point to very moderate profits, partly from arable farming, partly from sheep ; mixed farming was evidently the rule—for subsistence purposes.

These are the merest hints of the economic conditions, which I have summarised thus in order to have more space for the legal aspects of the system.[1]

The St. Albans estates were assigned to the various

[1] The latter, in turn, have been summarised here because the writer hopes shortly to have an opportunity of stating and illustrating the judicial system of these Manor Courts in a volume of the publications of the British Academy.

officials of the Abbey,[1] e.g. the Cellarer, the Kitchener, the Infirmarius, the Refectorarius, etc. Each official apparently held the Halimotes for his own manors, but I have only seen the records of the Cellarer and the Kitchener and the Refectorarius. Of these the Cellarer was far the most important, and apparently acted immediately in place of the Abbot. The Halimotes were held locally, at least twice a year, possibly oftener, by the Cellarer, who acted as a kind of Itinerant Justice. A service of providing him with horses was owed by Cashio, and on one occasion the Chamberlain was amerced for not preparing a chamber for him.

A central Court was also held at St. Albans itself, "*sub fraxino*" and "*infra abbathiam*," under the ash tree within the Abbey precincts, "*in media curia*," probably to the south-west of the cloisters and present buildings. Apparently the Hundred Court was held in the same place, which may sometimes prove confusing.

Maitland suggested that this central court was a Court for freeholders, similar to the Court of Broughton held by the Abbot of Ramsey; it has also been described as an Appeal Court, but only, I believe, on Maitland's authority.[2] Both suggestions appear to be untenable. It is evident that customary tenants could be called there as readily as freeholders. There is no clear line of division, as far as I can see, of the cases which were called up to St. Albans, and those which were settled locally. For example, a very elaborate case of alleged error, in the early fifteenth century (ending in a so called Writ of Right and Grand Assize) is taken partly in the Halimote of Barnet, and indifferently and alternately in the Court of St. Albans. This alternation was very common. I have tried to trace some principle in the varying use of the words *Halimotum* and

[1] *v.* list included in St. Albans Formulary Book, Camb. Univ. Library. A system of weekly "Farms" also prevailed—*v.* Cott. MS., Nero, D. 1, f. 182.

[2] *Select Pleas in Manorial Courts*, p. xlvi.

Curia in these Rolls, but both names were used indifferently for the local Courts, and both are used for the central Court, though *Curia* is more usual for this. The central Court is usually described as " Curia tenta sub fraxino," or " apud Sanctum Albanum," but it is evidently only the manorial Court sitting elsewhere, as some entries run " Curia de Barnet tenta sub fraxino." An exceptional entry " Halimotum tentum apud Sanctum Albanum " seems to be conclusive. Just as the King's Court might be at Westminster or in the shires, so the Abbot's Court might be at St. Albans, or in the Manors. Its competence was unchanged by a change of place.

I take it that a central Court, held every three weeks, was a great convenience to litigants in cases which tended to drag on for months, protracted by essoins and defaults to an almost intolerable length.

The estates of the Abbey were, for the most part, so compact that the tenants could in no case have had as far as twenty miles to go, and the pace at which the rebels in 1381 went in to London and out again, within twenty-four hours, suggests that the Watling Street, at least, was in good repair. The Cellarer could thus take litigants from any of the manors at one sitting, but was not obliged to call up suitors from the manors which had no cases on hand. This must also have been a great convenience. Juries from two manors or more were not infrequent. The central Court was clearly held by the Cellarer, or by the Cellarer and Seneschal.

In the later records it is evident that the Seneschal also journeyed round with the Cellarer. The Kitchener held some of his Courts at St. Albans. The Refectorarius, on the contrary, does not appear to have held any central Court. Freeholders apparently often claimed that they owed suit only twice a year,[1] while villeins owed suit every three weeks. Now the two great Courts of the year were evidently held on the manor; the three-weekly Courts

[1] Cf. Gorhambury Register (Kingsbury.)

were held at St. Albans under the ash tree. It looks at first as if the only suitors who could be compelled to come to the central Courts were the villeins. But a special suit to the Court at St. Albans was evidently owed by some freeholders, as is proved both by lists of names of suitors marked *Lib* in the Court Rolls, and also by specific entries in the damaged Customary in Cotton MS., Tiberius vi. This suit is several times owed by the same tenants who owed suit to the Hundred Court. It is impossible to prove whether this is always so. There is then, I think, no difference whatever in the composition or standing of the local and the central meetings of the Courts, unless we are dealing with a case expressly reserved for the Abbot and his Council. Occasionally a difficult case is referred to the Abbot personally. " Loquendum est cum domino Abbate," or " Ideo consulendum est cum domino Abbate." This would seem to cover only informal consultation.

But there are also express references to the Abbot and his Council, or his Magnum Concilium. Evidently the Abbot, like other great landowners, had his own Council, acting as a miniature edition of the King's Council.

There is some information about this Council to be gleaned from the *Gesta Abbatum*, though it is often difficult to follow, owing to the ambiguity of the word " consilium," so often deplored elsewhere ! But there are a certain number of clear indications. As early as 1308, the Abbot effects an exchange of property, " with the consent of his Council " ; and in 1326 it is reported that the Abbot with his Council would only give verbal and not written answers to the rebel townsmen of St. Albans, who thereupon went away indignant. On this occasion the townsmen had evidently retained skilled lawyers (*jurisperiti*), promising them lands in reward.

In 1308 in a quarrel over the Charter of Henry II and the boundaries of the town, a jury of twenty-four made oath before the Abbot and his Council to make a faithful

Perambulation, which when made was presented to the Abbot's Council in the church.

The Council had various functions: [1] it ordained the stricter keeping of the View of Frankpledge on St. Margaret's Day; it added its consent to that of the Abbot for a commutation; it called upon the townsmen to fulfil their promises (interpellati fuerunt per Consilium); it co-operated with the Abbot in conciliatory measures; it apparently had some legislative power of making ordinances; as early as 1264 it travelled with the Abbot to Tynemouth, and there assisted at an enquiry into tenures.

Later in the fourteenth century the Abbot Thomas de la Mare took a special pride in having learned counsellors, *skilled in both laws*. He provided them with a special livery of robes. He used them for various purposes. On one occasion they met the Council of the Earl of Warwick, in order to view a disputed heath at Redbourn, and a decision was reached by agreement between the two Councils.

In 1381 the Councillors and legal experts fled with the Prior (the John de la Mote who made these Registers) to Tynemouth, at the first onset of the villeins. The statement that the Councillors were skilled in both laws has some interest. When the records of the Archdeacon were burnt, in 1381, the Chronicler explains that the villeins did not wish henceforth to frequent either the civil or the canon law.[2] One would not naturally have supposed that much skill in the Civil Law was needed to interpret the custom of the manors. Is it too fanciful to suppose that there is a tendency on the part of the Abbot to develop a Conciliar type of justice, which would inevitably carry with it a considerable colouring of Roman Law and of the methods of royal justice, rather than of the local Customary Law? That he had the half-unconscious intention of superseding the

[1] For all these points cf. *Gesta Abbatum*, Vol. III.

[2] Cf. *Gesta Abbatum*, Vol. III, p. 308: "quia nec jura civilia nec canonica de cetero frequentare cogitaverunt."

popular justice of the Halimote by a more skilled body, which could be used either as a court of first instance, or as a Court of Appeal?

It is not necessary, perhaps, to suppose with the chronicler that the villeins and townspeople were consciously rejecting the Civil Law, and yet they evidently were accustomed in the Halimote to hear the distinction clearly drawn between the "Custom of the Manor," and the Common Law, or the Statute, or the law of holy Church.

As early as 1275 it had been necessary for the Abbot to ordain that no expert counsel (adventitii placitatores) should be allowed to plead in the Halimotes, for the parties to a suit.

The centralisation of the Courts would greatly facilitate the use of skilled assistance by the Abbot. Such a decision as that of the Council concerning the Heath of Redbourn would evidently begin to undermine the functions of the Halimotes.

The Court Rolls provide a little support for such a view, and they provide, what cannot be deduced from the *Gesta*, a clear case of the Council acting as a Court of Appeal.

In 1338, at Park, a plea of land was called up to the Court beneath the ash tree; when the parties appeared, ready to plead, the Lord Abbot reserved the aforesaid plea, to be heard and concluded in his presence and that of John of Schardelawe, at the next coming of the said John. Thereupon, on Wednesday before Lady Day, 12 Ed. III, in the presence of the Abbot, Prior, John of Schardelawe, and the Cellarer, Seneschal, and all the Great Council (toto magno consilio) of the Abbot, the parties came together in the chamber of the Lord Abbot.

Now John of Schardelawe was a Justice of the Bench;[1] I cannot trace why he was coming to St. Albans in that year, but the probability is that it was in the regular

[1] On another occasion the Abbot consulted not only his own *jurisperiti*, but also the *Justiciarii regionis*.

course of affairs, e.g. for Gaol Delivery. Eventually the suit (*processus*) was deferred to the next Halimote, that the Rolls might be searched, although the execution of the judgment of the plea was reserved to the Abbot and John of Schardelawe, and the final judgment was to be announced in the Halimote, whether the parties were present or not. Another case at Winslow in 1336 was uncomplicated by the presence of the Justice.

An entry at Winslow (1343) would seem to indicate that the Cellarer also had his Council.

According to a well-known passage in the *Chronica Majora*, on which much has been built, a Court was held under the ash tree in 1257, having present in it the Abbot, the Justice who was making the Gaol Delivery, the Seneschal, the Coroner,[1] the Cellarer, and some monks. It dealt with a case of knight service, in which the tenants had refused to perform their quota. It is on this passage alone, so far as I can discover, that Maitland bases his statement that the Court under the ash tree was a Court for freeholders, parallel to the Abbot of Ramsey's Court at Broughton. I see little or no reason for believing in the existence of any special Court for freeholders on the St. Albans estates (though there is one rather cryptic reference at least to *libera curia*), but on the other hand this assembly with the Abbot sitting in person, the Justice, the Coroner, etc., is not the ordinary three-weekly Court held by the Cellarer; it seems to have more affinity with the Abbot's Council.[2] Maitland's opinion appears to me too hasty, and too much influenced by the Ramsey parallel.

The legislative function of the Council is also illustrated from these Court Rolls. They use fairly frequently the word "Statutum"; sometimes it means the King's Statute

[1] The Abbey had its own Coroner.

[2] An earlier meeting of his freeholders by knight service seems to have taken place in the church in 1260, and apparently the Court under the ash tree dealt with the question of knight service in 1327. The practice may have varied.

(often Mortmain); sometimes vaguely "What has been ordained"; sometimes more precisely a rule or law of the Abbot.

In 1338 at Park is a case of definite alteration of an ancient manorial rule. The Rolls were searched for the twenty-first year of Luke of Bovyngdon, Cellarer, concerning the rules of succession anciently used on all the land of St. Alban, i.e. that if an heir did not claim the land of his ancestor within four Halimotes, he being sixteen years of age, and within the realm of England, he should have no further right or claim to the land by succession. And afterwards the Abbot, Michael, and John of Schardelawe and all the Council of the Lord Abbot, annulled this statute in perpetuity.

Here again the Council is being used to supersede ancient custom and the jurisdiction of the Halimotes; it is interesting, too, to see the Abbot again calling the King's Justice to his aid in dealing with his own villeins. There are other brief mentions of the Council in the Court Rolls, but no other definite cases before the Council are reported. This is all the evidence I can find of any Jurisdiction in Appeal or in Error on the Abbey lands.

To return to the ordinary business and procedure of the Halimotes.

As has been suggested before, these Registers only contain Extracts from the business of the Court; they are not, like the entries on the Winchester Pipe Rolls, primarily financial, but almost each entry has its own legal value.

They are almost exclusively concerned with the business of a Court Customary; it is true, they sometimes mention View of Frankpledge, with a note of the sum it produces, and they sometimes deal with breaches of the Assize of Beer. But there are none of the usual brawls and breaches of the peace which fill so much space in most Court Rolls. These were probably in the original Rolls, but deliberately excluded from the Registers. The

Gorhambury Register, however, points to the probability that View of Frankpledge was often held separately. The term "Curia Barr'" appears in the sixteenth century at Barnet, but the business of the Court is mainly concerned with copyholders.

The business recorded in the Registers is mainly concerned with

(*a*) *The Transference of Land.* From 1240 onwards a stream of sales, leases, surrenders, enclosures, exchanges, transfers of all kinds, fills the pages of the Register; it is noteworthy that the greater number of them are concerned with small and irregular plots, from half an acre upwards. Regular virgate holdings form a minority of the entries. But the virgate was apparently large—at least forty acres at Langley.

(*b*) *Regulation of Services.* The extreme subdivision of land made it necessary for constant statements to be made of the repartition of services, which were always extraordinarily irregular, even before subdivision. Most of the Extents have to record the services of each holding separately.

(*c*) The *Seigneurial Dues*, their exaction and refusal, account for a large number of the entries. Merchet was owed by both men and women and so occurs extremely frequently; fines were paid to remain without a wife or a husband for a year, or for life; or again for disobedience in refusing to take a particular wife selected by the Cellarer. The Cellarer was perhaps inspired by the Archdeacon-Prior to be particularly strict in the collection of Leyrwite, at least in the thirteenth century; Heriots were often small, and of no great value, chattels rather than beasts in many cases; Quernpeny is the commutation of Suit of Mill, round which so many disputes were ranged; Suit of Court roused constant opposition.

(*d*) In the fourteenth century there are a considerable number of entries concerning the Wills of the villeins, which are, I think, exceptional. St. Albans being an exempt Archdeaconry, the Archdeacon of the monastery proved all the wills of the free tenants, and the Cellarer, not to be outdone, had been accustomed and rejoiced, from time beyond which no memory can run, to prove the wills of the villeins, which in some cases at least disposed of villein lands. There is here, I think, a very interesting line of development. Since the Statute of Mortmain limited the acquisition of land, the Abbey apparently encouraged its sale, in hopes that the ready money obtained would come to the Chantries, or to the various needs of the Abbey Church. But the custom seems to have disappeared again in the fifteenth century.

(*e*) A certain number of cases are concerned with the *Status of Tenants*; numerous claims were put forward to be recognised as free; still more often villein tenants had been acting for years as if they were free men, holding free tenements, until the Lord in his Court fell upon their tacit claim and demolished it.[1]

There is a mass of useful information to be gleaned from the Registers on this question of status, but it is difficult to summarise it. E.g.—

(1) A long series of disputes begins about 1267 as to whether a villein could alienate his land by Charter without consent of the Halimote. Evidently such cases were frequent, if illegal.

(2) Status was evidently not quite clear-cut; a curious phrase is "per liberos homines et per alios villanos de Caysho"; on another

[1] *v. Gesta Abbatum*, Vol. III, p. 262.

occasion a jury return the ambiguous reply about a piece of land "quod liberum est, ita tamen quod cum gersumari debeat seu vendi, fiet ad voluntatem domini et per virgam."

(3) A remarkable custom is that of obliging an incoming tenant, who takes up servile land, to make a contract with the lord that he will be obedient to him in all things, in Scot and Lot, Tallage, and Services, both in body and in goods as are all the other villeins.[1] The tenant then seals this document with his own seal. Traces of this custom are clear in the Court Rolls at the end of the thirteenth century and well on in the fourteenth century, but in the Codicote Cartulary we have the actual *scriptum* of the earlier date. Is this *scriptum* an ancestor of the "Copy"?

The whole question of status and tenure is complicated by the fact that there are several small towns on the Abbot's territory which claim or possess some of the characteristics of Boroughs. St. Albans itself is, of course, a classical disputed case; Barnet had some borough privileges, and as early as 1249 only seventeen families of a much larger population were described as "de natione villate de Barnet ex patre et matre"; Watford again (included in Cashio) was partially urban; Codicote, which could never have been more than a flourishing village, had its market, and apparently its burgage tenures, for the Extent speaks distinctly of tenements *in foro et burgagio*, and *juxta forum et burgagium*.

[1] The villeins of the fourteenth century definitely demand a return to the status of the reign of Henry III; they evidently believed they were losing ground, and these Registers show some slight reason to suppose that they were right.

It is possible that the development of villein wills may be due to the influence of burgage tenures.

(*f*) There is some information in these Rolls as to conflict of jurisdictions:

(*a*) with the King's Court;

(*b*) with the Spiritual Courts;

(*c*) with the Court of another lord.

On the whole, however, there is not much light thrown on the working of rival jurisdictions in these Rolls.

There is a vast amount of information to be gathered about the procedure of the Courts from the Registers.

The earliest entries emphasise the corporate character of the Court; "tota villata," "totum halimotum" are the usual givers of a verdict; parties come into Court asking for "consideratio villate" or "consideratio halimoti" in the matter of hedges or ploughing; decisions are given by the Villata; the phrase "communitas halimoti" is used at Abbot's Langley; "convocatio villanorum" is an unusual term which occurs twice in the Kingsbury Register; it may possibly mean a Court at which no President (Cellarer or Refectorarius) was present; it evidently did all the usual business. Costs are assessed by the view of lawful men; surrenders are made before the Cellarer and Seneschal, and two neighbouring vills; the view of the Halimote restored an acre of land to its owner; seisin is given "coram toto halimoto," or "in pleno halimoto"; agreements are read "in pleno halimoto." All these entries are earlier than 1250. In particular the use of the term *Villata* is far more frequent and decisive than Maitland seemed to think.

The next stage seems to be the use of the sworn inquest, which occurs, indeed, in the earliest entries in some cases, but which gradually seems to replace the verdict of the whole Halimote. The inquest may be made by six, or twelve, or twenty-four, or even forty-eight persons; it settles normal or abnormal economic questions as to pas-

ture, stint of cattle, services, hedges, or encroachments on balks, as well as the more legal questions of title.

A regular body of jurors, whose names are recorded in each entry, seems to appear first in the reign of Edward I; at first they are irregularly entered on the Roll.

There is much dispute as to liability to this jury service among the tenants who claim to be free, or to owe service only twice a year, or only at View of Frankpledge. As early as 1283 "tota villata" of Barnet refused to take the oath, declaring that they were not bound to "kiss the book" (tangere librum) unless at View of Frankpledge. Sometimes jurors seem to have refused simply because they did not want to get their fellows into trouble, or to perpetuate an ancient custom.

The witness of the jurors was, however, constantly supplemented by the use of written documents, or by search of the Court Rolls.

This search appears at a very early date after 1236; gradually it comes almost to supersede the verdict of the Halimote. Sometimes the suitors returned after an unsuccessful search, having found nothing; sometimes the "munimenta" they produced proved to be fraudulent.

The whole question seems to me to throw some faint light on the development of copyhold tenure, and I have therefore tried to trace back the use of the word "copy." Evidently the record of the Rolls was valued for the sake of enforcing all kinds of contracts, leases and agreements among the villeins themselves; "vi^{d} pro conventione sua affirmanda" is a common entry.[1]

It became normal for litigants to be sent off in order to obtain the Record of the Rolls; these Rolls were kept *in stabulo*, i.e. in the great Stables at St. Albans—close to the ash tree.[2] How they were searched I do not know, but apparently the parties themselves produced copies of the record in Court, or rather one triumphantly produced

[1] Cf. Maitland on "parol agreements" in the Court Baron.

[2] Cf. Park: "et habent diem ad stabulum in curia Sancti Albani."

his record, while the other had none or an irrelevant one, and frequently stayed away, leaving his case to go by default.

In 1333, at Winslow, a tenant produces a copy (profert copiam) of an entry under Edward II, the text of which is transcribed. This is the earliest use of the word I have found; it occurs again in 1336, 1355, 1356; by 1418 a great development had taken place, and all tenants were ordered to show their copies. I should like to trace the process by which it became normal for a tenant to *possess* a copy of the entries concerning himself and his tenement on the Court Roll, but as yet I can get no further. The process seems to be perhaps fifty years earlier than on the Winchester manors, probably because of the much greater subdivision of the holdings. Possibly, too, the influence of the *Scriptum* held by new tenants in villenage may be traced here. The appeal to records was equally often used by the lord; when the villeins refused their services, or claimed their freedom, the appeal was to the Custumal. In 1323 we find the entry "ponitur in respectu quo usque scrutetur la Domesday"; probably not the actual Domesday record, but the Custumal. The Custumals were made by inquest of the villeins themselves in 1320, and they very commonly gave the case against the villeins' claims.

A remarkable feature of these Courts was the clear understanding shown in the records of the different kinds of law to which appeal could be made. Thus a claim to inherit by the custom of Borough English is explained—"And this is held and used according to the custom of their Halimote, and not according to the common law." Again, "Because the pleas of the tenements in the vill of Barnet do not belong to the common law, but are held according to the custom of the manor." A widower is described as holding "per legem Anglie," in the sense of "the courtesy of England," "the custom of the realm of England," while another who had married a woman

holding a villenage relinquishes his wife's tenement, and regains his status as " Liber homo ad communem legem."

The extent to which the manorial courts could assimilate their procedure to that of the King's Courts is extraordinarily well illustrated in these Registers. Sir Paul Vinogradoff speaks of the way in which manors of Ancient Demesne (e.g. King's Ripton) imitated the royal use of the Proprietory and Possessory Assizes, but he gives no examples, and Maitland prints very few.

In these Registers very full cases are found in the thirteenth century, all through the fourteenth century, and to some extent in the fifteenth century, once at least in the reign of Elizabeth, in which the Possessory Assizes, or rather equivalents for them, are used in the Abbot's Courts. Pleas of land *in forma brevis assise mortis antecessoris* are the most common ; but Novel Disseisin occurs, together with Writs of Entry, Scire facias, Dower, Cosinage, Detinue and several others.

I have found only one case of a Writ of Right, and that very complicated. A suit begins in the form of an Assize of Mort d'Ancester ; later on it is described as *in natura brevis de recto ad communem legem secundum consuetudinem manerii* ; finally it is described as *in loco et forma magne assise domini Regis ad communem legem secundum consuetudinem manerii*. This, however, is a very late case, dating from the reign of Henry VI.

These cases give a very tolerably clear summary of the pleadings on both sides, occasionally quoting the actual words of the records on which the parties rely, and the decisions are, of course, treated as " matter of record " in any further dispute. These cases illustrate how very closely the most highly organised manorial courts were following the precedents of the Common Law Courts and of the Statute Law—e.g. in their clear definition of " heirs," in the distinction drawn between Fee Simple and Fee Tail, and so forth.

It is generally expressly stated that the land for which

these writs are issued is villein land—" tanquam de nativa terra tenta per virgam et ad voluntatem domini, etc." I have, however, found one case in which the Abbot's writ of Novel Disseisin was issued for a free tenement.

There are a few interesting cases of Contempt of Court, showing the means taken by the Halimote to preserve its own dignity and authority.

Thus in 1253 one man is fined 2*s*. because he cursed the twelve jurors " in plena curia et coram domino " ; in the next year two tenants were fined because they lied to the Cellarer ; others for cursing the Cellarer or the jurors ; others for accusing each other of lies, or making a noise in the Court (" in curia garrulando ") ; or for challenging the judgment of the Cellarer and jury.

The special interest of these Registers is, I take it, the light they may be made to throw upon the rising of 1381. The actual entries for this year show no trace of the trouble (unless in an unusually large number of cases of Trespass), but this is natural enough, as the Halimotes took no part in punishing the offenders. There are, however, no traces of the disposal of the lands of the condemned leaders, and only one or two isolated references to the rising some twenty years later.

What is, I think, clear by general inference is that there is no evidence whatever that labour services were particularly galling, or that there was serious economic pressure on the villeins. Commutation had advanced fairly rapidly owing to the extreme subdivision of the holdings, and to various difficulties in securing the services, which do not appear to have been specially heavy, though they were somewhat irregular and arbitrary in their incidence. There are constant entries as to the money rents and rent-collectors. No complaints were made by most of the villeins on this score in their formulated petitions and demands. But the Abbey was a particularly undying and unsleeping corporation. It forgot nothing and it learned nothing. Strict-

ness in preserving its own privileges (hunting, warrens, etc.) and in exacting its old seigneurial dues was the cause of repeated and extreme irritation among a prosperous tenantry. In spite of the rival attractions of London, and perhaps also because of its stimulating demands, the district would seem to have been possessed by a marked land-hunger. This land-hunger gave the Abbot a certain advantage in dealing with new tenants.

On the one hand they, like the older *nativi*, were highly privileged with quasi-free judicial rights ; on the other hand they might be tied hand and foot by written contract enforcing personal villenage, on which their whole title to land depended. In that respect the incoming tenants of St. Albans differed from the privileged *hospitagii* of forest districts in Northern France, to whom one might look for a parallel.

The existence of these sealed contracts is an interesting comment on the academic doctrine of the lawyers that contract with the lord made a man free, or was a presumption of his freedom. To contract away one's freedom—of body as of goods—in mid-fourteenth century is a very remarkable practice, and proves how thoroughly the Abbot had obtained the whip-hand. However, the sharing of such sham privileges had one great advantage for the villeins : it gave them a highly advanced legal training, which shows itself to some extent in their demands and proceedings in 1381.

It was this steady seigneurial pressure, and not any economic distress, that produced the rising under William Grindecobbe and his fellows. It is possible that the attempt to develop a learned and conciliar jurisdiction in place of the popular methods of the Halimotes gave an added sting to the usual grievances, but I admit that my evidence as yet is hardly sufficient to support such a view, tempting though I find it.

The willingness of the Abbot to invoke the royal power in dealing with his villeins or rebellious townspeople (due

perhaps to the fact that the Justices of the Assizes habitually came to St. Albans) marks the beginning of the end of a self-contained manorial system of justice. If a Justice of the Bench could be invoked to help decide a knotty title, or to help alter an inconvenient manorial custom, he would naturally be called upon to punish a rebel, and the next step is easily foreseen ; he would wish to protect a sound custom or a normal title, and so we arrive a step nearer to the recognition of copyhold tenures by the King's Courts.

SOME ASPECTS OF MEDIEVAL TRAVEL

NOTABLY TRANSPORT AND ACCOMMODATION, WITH SPECIAL REFERENCE TO THE WARDROBE ACCOUNTS OF HENRY EARL OF DERBY, 1390–1393

By Grace Stretton, M.A.

Alexander Prize, 1924.

The Public Record Office possesses, among the archives of the Duchy of Lancaster, two wardrobe accounts, dealing with the expenses of Henry Earl of Derby's travels in the years 1390–3.[1] The documents, unique of their kind, present an accurate picture of the means of transport and accommodation available to travellers in the later middle ages; and, though lacking the personal, picturesque side of travel-memoirs, preserve for that very reason a truer picture of that kind of undertaking which provided so large a part of the interests and amenities of life.[2]

The journeys made by Derby were characteristic of the period. During the truce of 1390, between France and England, the Earl, at the head of a large body of friends and retainers, embarked at Dover to join Bourbon's expedition against "Africa," but for some reason went no farther than Calais, though des Ursins, Froissart, the

[1] These Accounts [Duchy of Lancaster: Accounts (Various), I, 7 and 8] have been printed by two learned Societies—the Camden Society in England, and the East and West Prussian Historical Society [under the title "*Rechnungen über Heinrich von Derby's Preussenfahrten, 1390–1 und 1392*"], but have been very little used, either for facts relating to Henry himself, or for the light they throw on the conditions of life at the time. The English edition gives the complete text of the Accounts, the German edition those parts only which relate to Prussia.

[2] All records of the later Middle Ages abound in evidence of the constant movements of folk of all classes, from motives of religion, trade, politics, warfare, feats of arms; the nobles moved about the country for economic reasons.

biographer of Boucicaut and others, say that Derby took part in the siege. Herein is an example of the accurate evidence of household accounts.[1] Changing his mind, Derby re-embarked at Boston, and proceeded to Prussia to join the Teutonic Knights on a " reysa," many details of which appear in the Accounts (e.g. " engynours," [2] " mynours . . . in quadam sue juxta castrum de Welle" [3]). Returning to England in the spring of 1391, after a stay in Prussia, Henry made preparations, apparently, to rejoin the Knights in the following year. Once more his plans were changed, for, though he made the second voyage to Prussia, no fighting is recorded, and the party travelled through central Europe [4] to Venice to embark there in one of the famous Venetian galleys. Travelling by the usual route, Derby landed at Jaffa, visited the Holy Sepulchre at Jerusalem, and returned *via* Cyprus and Rhodes [5] to Venice. At this city, both on his departure and his return, Henry was honourably entertained by the Doge [6] and the Senate.[7] The party returned to England through Burgundy and France, making no prolonged stay anywhere. The port of arrival was Dover.

From the wages lists that form part of the Accounts, and from scattered notices throughout, we can compute with some degree of accuracy the numbers in this travelling household—probably about two hundred for the Barbary

[1] Though the clerk himself, drawing up the accounts, gives the heading, " Computus . . . pro viagio . . . ordinato usque partes Barbarie, et . . . partes Prucie," etc., misleading without an examination of the details of expenses.

[2] 106/1. All references to the Wardrobe Accounts are given simply with a page and line reference to the Camden Society's edition, 1894.

[3] i.e. Wilna.

[4] A parting gift of £400 from the Marshal of Prussia appears among the " Recepta " (149/20). Henry went hunting with Wenzel (191/8); and was entertained by the Duke of Austria (150/17).

[5] The Prior of St. John in England, Radyngton, was with Henry during part at any rate of the journey (150/1).

[6] 276/2.

[7] R. Brown: *Cal. of State Papers* (*Venetian*) I, under Nov. 30, 1392, and March 31, 1393.

campaign, about five hundred for the "reysa," about half that number in central Europe; and quite a small party for the sea-voyage to Palestine.

This party, composed very largely of Lancastrian retainers and connections,[1] would require a great deal of organisation in transport. The purpose of this essay is to indicate how far we can reconstruct these expeditions from their practical side.

The "foul ways" that caused much discomfort to travellers hardly appear, though the hermits to whom alms were given—there was one on the Mount Cenis pass [2]—may have been voluntary roadmenders. Even the ordinary military routes in Prussia were not all that could be desired (this is the only direct reference to difficult routes), for some carts specially bought for the "reysa" were unable to proceed.[3]

In accordance with custom, messengers were despatched to seek safe-conducts for the party ("Derbye le Heraud" was sent on one occasion to France [4]); and the work of the harbingers is amply illustrated—the "forgoeres" [5] as Langland calls them—whose labours would be positively indispensable to a party of this size. It was an additional difficulty that they were seeking accommodation and supplies in foreign lands, but the harbingers evidently had the assistance of natives, such as "Richard Ducheman" [6] at Königsberg, or of Englishmen settled abroad, such as John Beuer and John Whytwyk, merchants at Dantzic.[7] In Italy, strangers were constantly coming and going, and supplies were abundant, notably at Venice, where the travellers had a very varied and interesting diet.[8] Notices of persons "preeuntium" occur most frequently in the

[1] Nearly all the names can be traced in *Duchy of Lancaster; Accounts (Various)*, I, *Household and Wardrobe, III Receiver General;* and in *John of Gaunt's Register, passim.*

[2] 276/18.

[3] 50/25, horses were bought "pro cariagio domini in le Wyldrenesse eo quod caruce non poterunt ulterius transire."

[4] 15/4. [5] *Vision of Piers Plowman*, II, 60.

[6] 60/22. [7] 105/2. [8] pp. 211–224.

sections dealing with France, although Henry moved most rapidly through those regions, never staying more than two days at the outside in one town.[1] Other messengers moving about on the business of the party were those bearing letters: "Lancaster," John of Gaunt's herald, took letters to the Grand Master of Prussia,[2] and bore others back to England:[3] "Hankyn Stedeman" and "Hans Duche" carried letters in France and Prussia respectively: and it is worth noting by the way that an English sailor took to Derby, then at Dantzic, the news of the birth of his son, to be known later as the "Good Duke Humphrey."[4] The names of a good many heralds appear, indicating the presence or approach of their masters, for they received gifts from Henry—"Seland,"[5] "Dampier,"[6] "Croyslett,"[7] herald of the Duke of Gloucester, "Swethe,"[8] "Horne"[9]—besides others unnamed. These heralds often played the same part as the many bearers of gifts who constantly appear in all medieval household accounts, that of maintaining the connections and friendships of individuals parted by distance.

When the heralds, messengers and harbingers had done their work, the household cavalcade would start. The bulk of the household rode on horseback, and was followed by an enormous train of baggage-waggons. Gentlemen took their favourite horses with them, especially if they were to do feats of arms on the way, but the transport of horses by sea was always a difficult matter, so that many horses had to be bought or hired at different places along the road. Coursers and palfreys were frequently given as presents, Derby being presented with several, when in Prussia, by French and German knights,[10] doubtless his companions-in-arms in the "reysa." We have an occasional reference to what was evidently Henry's favourite

[1] Miss Rose Graham suggests that this bears out the general impression of the devastated condition of France.

[2] 40/7. [3] 107/6, he was paid the large sum of £20. [4] 107/10.
[5] 107/2. [6] 107/3. [7] 107/28. [8] 110/8.
[9] 110/13. [10] 105/7, 105/13, etc.

courser—white in colour [1]—and to his white palfrey.[2] It is quite impossible to tell how many horses were taken by Henry himself or by his men, for the Accounts only take note of expenditure and give nothing in the way of an inventory. Henry had evidently to "restore" a number of riding horses to his followers, entered up as New Year gifts;[3] and there is an occasional allusion to those horses belonging to the retinue that were maintained by their owners.[4]

The sumpter animals figure more frequently and more individually in these Accounts—naturally, because the Treasurer had to see to the transport of all the equipment of the different departments. They were called "somers," "somarii," or "malers" and were allotted to the various departments of the household, to carry the utensils and fittings. The Accounts name a "somer de panetrie,"[5] a "somarius de cuphous,"[6] a black sumpter "por le tressourye,"[7] sumpters of the buttery and poultry, and the "somers camere domini,"[8] i.e. those animals carrying the Earl's elaborate bed, the hangings and carpets of the hall and chamber, the furniture and equipment. So much for the horses belonging to the household, several of which were bought in London before the expedition to Prussia started. All these animals would have to be transported abroad, and special arrangements had to be made for them in the ships. Horses were conveyed in almost any kind of ship, and the fittings seem always to have been of a temporary nature ("pro rakkes mangers et aliis diversis necessariis factis in navi . . . in qua equi steterunt."[9]) Boats crossing the Straits of Dover took varying numbers, e.g. one took Henry's horses (number unknown), others

[1] 64/5, various medicaments for the creature. [2] 9/7.
[3] P. 112. In all, twenty-two horses were given.
[4] Two "trotters," the property of Sir John Loudenham, one of the party, were bought for Henry's use, after Sir John's death "in partibus de Lettowe," i.e. Lithuania.
[5] 6/1. [6] 7/11. [7] 7/19. [8] 241/16.
[9] 158/5; this refers to a large ship crossing the North Sea.

ten and eleven squires' horses,[1] another thirty-two.[2] Grooms[3] were placed in charge of the animals, and there is one indication of the manner of unshipping horses in the Baltic, namely by means of a bridge over which they walked, either from the shore to a flat-bottomed boat ("prame") that was to take them out to the great ship, or from the "prame" to the ship itself, the entry being "pro factura unius pontis pro equis domini superambulandis ibidem."[4] Naturally, the expense of maintaining this number of horses was very great, not only for their foodstuffs (chiefly oats and horse-bread), but also for harness,[5] shoeing and stabling. Moreover, there are very frequent entries for the hire of horses by many members of the household,[6] for messengers,[7] and for extra members of the party.[8] It was easy enough, along the beaten tracks, to hire horses from the inns. Judging by the entries in the Accounts, a good many horses died, for there is no evidence of sale of horses in the "recepta," to counterbalance the expenditure.

Following the retinue of horsemen came, as we have seen, the baggage train. This was always of great dimensions, even when a noble moved from one manor to another; in the case of a journey across the sea and to a "heathen" land, it became enormous, for the lord's seneschal had to make preparations for any emergency; while the extravagance and abundance of clothing considered essential at the end of the fourteenth century, and the desire to impress foreigners with lavish displays of plate, jewels and furniture in abundance lent colour to those accusations of luxurious living brought by the Turks against their Christian opponents, although the Mahometans thereby misinterpreted

[1] 36/14, 36/11. [2] 37/3. [3] 164/27. [4] 177/8.
[5] See note at the end on the use of the word "harness."
[6] 7/8 from London to Dover: 226/29 in Cyprus; 225/28 from Ramah to Jerusalem.
[7] 13/16 for Richard Messenger.
[8] 240/16 for a man carrying falcons in Italy; 199/17 for an esquire taking Henry on his way from Austria to Italy.

what was after all only an exaggeration of the ordinary economy of the west. We cannot tell how many carts or chariots Henry possessed ; we can only learn how many he hired. Although the name for a baggage-waggon varies between " carecta " and " currus," the terms undoubtedly refer to the largest and heaviest kind of cart obtainable ; a " carecta " hired in Prussia [1] had eight carters attached to it, while a " currus " in central Europe had a team of four horses.[2] On these carts were piled up the household goods (in receptacles of many kinds), the arms (in barrels and cases), food (in very great quantities for the " reysa," although a great deal, also, was conveyed by boat) ; some of the household, also, rode in these carts on occasions, notably when the fighting was over in Prussia.[3] The number of carts would, of course, be greatest in Prussia, owing to the exigencies of a military campaign.[4] The usual name for a driver is " carectarius " ; but we also find " waynemen," [5] and a " carmon " [6] ; the term driver is used only for one who herds cattle.

These vehicles required constant attention, and had frequently to be treated with fats,[7] which, one hopes, obviated some of the creaking.[8] A person hiring a cart seems to have incurred a good many expenses, in the provision of harness [9] and the execution of repairs. The worst road seems to have been that over the Styrian Alps, for the wheels of the carts had to be newly bound with iron.[10]

The baggage itself deserves detailed attention. While the many forms of receptacle in a medieval collection—the boxes of iron or wood, boxes and bags of leather and

[1] 49/10. [2] 180/17, 190/21, 190/23, 191/24. [3] 163/18, 172/23.

[4] The wages, etc., of those driving and attending to the carts hired especially for the " reysa " amounted to £106 13*s.* 4*d.* (p. 54 *et seq.*)—these in addition to the ordinary baggage-train.

[5] 180/7. [6] 186/18, 189/30. [7] 180/16, tallow ; 189/30, etc., fats.

[8] Dr. Fortescue says that in these waggons the wheels and axle probably rotated together.

[9] e.g. 177/28 various harness for two carts ; 180/12, saddles ; 238/12 a pole and girths.

[10] 203/32.

canvas and stuff, sacks and wallets, cases and covers—all have their modern counterpart, there is nothing at the present time to correspond to the vast quantity of goods carried about by a person of any consequence in the Middle Ages. The household utensils (packed in the chests, arks, hutches, baskets, bags and sacks of their respective departments), the silver plate, jewels, money, armour, clothes and beds of the lord, and his retainers also, required not only a huge array of horses and waggons for their transport, but also a small army of servants to guard them and keep them in repair.

The equivalent of the modern tarpaulin was the "barehide" [1] (i.e. cowhide with the hair removed), spread over the goods in the waggons; and canvas was as useful then as now, being used to truss such divergent goods as broad bows,[2] almonds [3] and woollen stuffs.[4] Other adaptable articles were "clothsacks," a large one costing as much as sixteen shillings,[5] and "bowges" (used "pro leggharneys domini" [6]). There are comparatively few entries relating to the great chests and coffers, very stoutly made and frequently bound with iron, which occur in all household inventories; but those few notices of repairs to the chests of the buttery,[7] wardrobe [8] and spicery,[9] and to the coffers of the treasury,[10] the scullery,[11] the chandry and ewery,[12] and the kitchen,[13] prove that every department was fully provided with these heavier receptacles. Hampers, paniers, a "male" [14] appear also; and a good descriptive term is that of "trussing coffer," used to carry gold presented to Derby by his father, John of Gaunt.[15] Valuable goods, such as silver cups and curios, were carried in cases [16] or leather bags.[17] The chaplain had stuff in which to preserve his chalice and chrism; [18] and the alms were placed in buckets and skeps [19]—a "boket" was employed

[1] 5/7, 178/33, etc. [2] 34/17. [3] 154/29. [4] 35/15.
[5] 19/18. [6] 46/18. [7] 64/10. [8] 177/13.
[9] 237/7. [10] 41/26. [11] 179/30. [12] 233/24.
[13] 152/4. [14] 6/8. [15] 19/1. [16] 6/3, 241/25 ostrich-egg cups.
[17] 187/24. [18] 92/30. [19] 73/34.

on one occasion to hold some food needed on the road.[1] The clerk occasionally uses a non-technical term, such as "house," entering such phrases as "j hous por le baner et j autre por le penon."[2] Armour was generally carried in barrels, in which, too, it was cleansed[3] by rolling with oil and sand. The most ordinary method of transporting large quantities of food was to store it in barrels—fat and grease, bread and flour, vinegar, mustard, verjuice, peas, leeks, apples and pears, meat and fish, salt, besides wine, and water for man[4] and beast, all required a prodigious number of barrels of all kinds and capacities. Sacks and bags, too, were bought or made to carry utensils and foodstuffs of all sorts—bread and flour, spices, oats, salt meat and fish. The greater part of the entries occur in those sections relating to the provisioning for a long period, e.g. for the "reysa," and for the sea-voyage to Palestine; but similar arrangements were made for any part of the journey, on a proportionately smaller scale.

When speaking of the baggage train, mention must be made of certain additions to the company in the shape of livestock or pets. Sheep were transported alive in the "prames" on the Memel; and cattle were driven to the "reysa," special herdsmen being hired for the purpose. For this same expedition, the treasurer thoughtfully provided a cow "pro lacte habenda pro domino."[5] Live poultry was taken both to Prussia and to Palestine, the carrying of hens being a common feature in the provisioning of galleys. We should presume the existence of greyhounds and falcons with the party, were there not many instances of their purchase or acquirement; among the more striking acquisitions were an ostrich[6] (though no details survive of its transport), a leopard, which needed much attention and care, both for its accommodation[7]

[1] 189/2. [2] 46/17. [3] 92/17.
[4] Henry had his own special barrel of drinking water on board ship, 23/18.
[5] 51/30. [6] 194/2, in Bohemia. [7] 229/3, a cabin on the galley.

and its food, besides attendants and their horses; and a "popingay."[1]

Guides were hired at times, chiefly in central Europe; they sometimes acted, too, as interpreters, a "gyde" going with the marshal and others to buy horses in Prussia.[2] The hiring of a guide sometimes meant further expense in hiring horses for him.

There are sufficient entries in the Accounts to show that dues were exacted on occasions from the travellers, but not enough to warrant the laments so general in the pilgrim-memoirs. In particular, Henry seems to have paid but six ducats[3] in the Holy Land, and it is hardly likely that he refrained from visiting the usual places there. "Pontage" was paid at Calais[4] and Dover,[5] and a general kind of tax at Whitsand.[6] Other entries make it uncertain whether any toll or due was paid when parties were conveyed over rivers, e.g. the "Donewe,"[7] or "in una aqua inter Saboldiam et Burgundiam,"[8] for the charge is called merely "boatage."

For the actual accommodation of the party there is a wealth of interesting detail, from a casual halt to a prolonged stay. The halts were made at inns along the road, kept by such persons as Philip Hosteler and William Taverner,[9] who doubtless had their Prussian or Italian counterparts, although the clerk does not venture upon many names.[10] No names of taverns, unfortunately, are given. Some of the household were lodged at inns,[11] but, generally speaking, Henry seems to have stayed in some more pretentious place, sometimes as a guest. Being a guest did not relieve him of all expenses connected with

[1] 285/24. The parrot and the leopard evidently survived, for later Wardrobe Accounts give entries for "popingaysed" and for "Marc," the custodian of the leopard.

[2] 166/21. See note on "language" at the end of the essay.

[3] 278/4. [4] 8/10, 37/11. [5] 7/16, 37/6. [6] 8/7.

[7] I.e. Danube, 194/13. [8] 247/3. [9] 15/22, both at Canterbury.

[10] In these Accounts the generic name for a Prussian seems to be Hans!

[11] E.g. 43/20, various "hostelers" at Dantzic.

his household, but on these occasions he paid no rent. He was the guest of Wenzel, King of Bohemia and Emperor,[1] of the Duke of Austria,[2] and of the Patriarch of Friuli,[3] at Königsberg he stayed in the castle[4] (for a time only) and in the castle at Rhodes.[5] For a short time at Dantzic Henry stayed at the inn of Lord Bourchier.[6] It is allowable to surmise that at Boston, London, and Leicester, Derby stayed at Lancastrian houses, for *John of Gaunt's Register* and other Duchy records show that the family had mansions there. Also, on one occasion Henry spent the night in a mill![7]

The most interesting features of their accommodation are not, however, represented either by the humblest or the grandest of these lodgings. When a protracted stay was made, Henry's seneschal usually hired a house, for which rent was paid, and in which the party set up the "hall" and "chamber," and endeavoured to reproduce abroad the domestic surroundings of a noble, who, as we have seen, took his belongings with him and was accompanied by the full contingent of household officers. This kind of arrangement marks, perhaps, the greatest contrast with modern methods of travel. It does not seem likely that, even in the hired houses, Henry's whole party could have stayed in the one building; indeed, there are clear indications that a division of the household, previously agreed upon, was made, e.g., at Königsberg, on the first journey, there was Henry's "hospitium" and the "hospitium thesaurarii"[8]; on the second journey the same division was maintained.[9] Otes Graunson, one of the knights, had his own inn.[10] But wherever Henry himself was, the "hall" and "chamber" were established, and the seneschal, chamberlain, knights, esquires, valets, grooms and pages performed the duties they would have fulfilled at home. The "hall" (the hangings bought from Ralph

[1] 191/8. [2] 150/16. [3] 150/20, John Sobieslaw.
[4] 168/23. [5] 227/3. [6] 39/13. [7] 38/19.
[8] 65/13, 24. [9] 259/12. [10] 259/16.

Steynour at Westminster) was hung (with green cords) at Boston and at Dantzic;[1] new curtains were bought for the "chamber" at Venice.[2] The heralds and painters were frequently occupied in making and painting wooden tablets of arms or papers of arms, to be set up within or without the master's lodgings at all the chief places where he stayed —at Dantzic and Königsberg,[3] at Rhodes[4] (where Mowbray herald saw to the painting of "scochons" for Henry, the knights and esquires, to hang in the castle), at St. Mark's and St. George's,[5] Venice. The greatest display was made in Bohemia and Austria, Lancaster herald being responsible for painting the arms in the "aula" at Prague.

Henry's private chapel was maintained, too, when in lodgings, the hangings and equipment being carried about in a "mantica pro capella";[6] and his gold and silver plate was displayed wherever the "hall" was. Napery was not provided in the lodgings, so that had all to be carried about, and the renewing of it forms a heavy item of expenditure. One of the entries for napery illustrates clearly the insistence on preserving the ceremony and dignity of the "hall" when away from home, for at Venice linen was purchased, ready for Easter Day,[7] for "towaill et naperons pro domino militibus et aliis sibi servientibus."

Although the lord apparently provided his own "atmosphere," we can see from these Accounts that he had to provide a great deal besides. Even those lodgings which have a distinct title, such as the Bishop's "manerium" at Dantzic, or boast a "hospes" and "hospitissa" and servants, seem to have been mere shells of buildings and, moreover, dilapidated. At Königsberg a kitchen had to be made,[8] a scullery also;[9] stable equipment had to be found, and some of the hall furniture;[10] the larder

[1] 75/21. [2] 281/13. [3] 79/9, 93/20. [4] 227/3. [5] 234/24.
[6] 177/20. It is noteworthy that among the things bought for the Prussian expedition was "j tabulam pro altare . . . por le Reys," 49/18.
[7] 284/29. [8] 58/2. [9] 63/25.
[10] 63/24, eight dining-tables, 64/1 a "cuppeborde."

needed repair,[1] as did the dresser.[2] All the pots, pans, jacks and so forth for the kitchen had to be bought as well as all the vessels for everyday use—cups, beakers and saucers (of wood or clay). The guests paid, also, for the floor-covering of rushes. For this accommodation the rent was twenty pounds sterling for about three months' stay. The same state of affairs prevailed in the Bishop's "manerium" at Dantzic.[3] Everywhere the locks and the doors seem to have been defective, even at the friars' house at Treviso,[4] but the difficulty was overcome through the good offices of a friar who acted as custodian.[5]

Extra rooms were occasionally hired, generally when stores were being collected in large quantities; temporary kitchens, too, when there was more than the usual entertaining to be done. The falcons needed special apartments —like the leopard—"Jacob Fauconer" needing a "domus compacta" and a "magna domus" for his birds, and a "camera" for himself, for sixteen weeks in Prussia.[6]

The effort to reproduce the home of the lord was made at sea as well as on land; so much so that while one ship of a "small family squadron"[7] is referred to as "navis domini," another is called merely "aula."[8] A "nova aula steynata"[9] was bought at Lynn for the voyage, rushes and litter for the "hall" and "chamber"[10] (on board ship), and trestle-tables were used.[11] The chapel on board is also distinctly named, having to be "made"[12] by carpenters, for the ships, like the lodgings on land, were not ready for use when hired. Cabins were never more than temporary partitions in the medieval ships, and there was very little privacy and very much discomfort. Henry's party seems to have had as much comfort as was generally available, for the Earl himself had a

[1] 60/29. [2] 69/6. [3] Pp. 72–75 *passim*. [4] 239/10.
[5] 240/26, entry of a payment to a friar, "custodienti cameras domini et famulorum suorum pro perdicione clavium et aliorum necessariorum fratrum."
[6] 68/20. [7] The phrase is Professor Callender's. [8] 76/9, 11.
[9] 154/12. [10] 156/21, 153/23. [11] 56/17. [12] 157/17.

cabin,[1] as did the seneschal,[2] the chamberlain, the treasurer, Graunson and Willoughby (two of the knights) and others.[3] Cabins were also constructed for the various offices—the cook's department in particular; these cabins were more substantial, being made of "sparrez" or "hurdells."[4] These arrangements were evidently necessary on the Venetian galley (destined for passenger traffic) as well as on the "round" ship of the north. I am not sure whether Henry took his elaborate bed on board ship, though the purchase of cord,[5] and the reference to the hanging of the bed[6] seem to suggest the usual curtains and tapestries. For the galley, Henry followed the general custom in purchasing a "materas, j fetherbed cum j bolster."[7]

The boats, like the inns, were in a state of considerable disrepair; when hired they had to be made seaworthy by the hirer; and the many varieties and sizes of timber used to mend Henry's vessels, form an almost complete list of the timbers imported from northern Europe by the ports of north-eastern England.[8] "Bords," "wainscots," "deles," "sparres," "regals," even "trees magnis" were used, the latter having to be conveyed by land, because they could not be carried by water.[9] When the fleet of "prames" was got together to take the victuals and other stores to the "reysa," Henry had to pay the costs of putting in shelves[10] and covering the goods, besides the hire of sails, anchors, ropes and cables.[11]

The vessels used for these expeditions include practically all types then in use. The liner[12] type is seen, in the

[1] 157/21, made of canvas; Henry had a special cabin even for a Channel crossing, 36/18.

[2] 156/26. [3] 158/9.

[4] To be interpreted bulkheads, according to Prof. Callender.

[5] 81/8. [6] 76/22. [7] 281/25.

[8] N. Gras: *English Customs System*, pp. 436 *et seq.*, gives various woods coming in to the port of Lynn. *Acts and Ordinances of the Eastland Company* (*Camden Society, 3rd series, Vol. XI*), p. 21, details of woods from Norway.

[9] 76/7. [10] 43/16. [11] Pp. 40–41.

[12] I am indebted to Prof. Callender for this classification.

"navis," [1] the big sailing ship of the "round" type, used in the Atlantic, and in the Venetian "galeia," of the "long" type, using both sails and oars; the tramp class in the "farcoaster," [2] the Baltic "prame" [3] (a flat-bottomed boat specially adapted for use in shallow waters), the "craier," [4] and the "barge"; [5] the boat class in those larger boats used for conveying goods in bulk,[6] and the "batellæ," or small boats used for river traffic,[7] or for conveying persons to or from a ship.[8] There are eighteen separate entries relating to one or more Channel crossings,[9] undertaken when the Barbary expedition was on foot; and the return crossing in 1393 appears under the entries for "passaiours" and a "balinger," these being "round" types of vessels used for the crossing, controlled, as we learn from other sources, by a company at Dover called a "fferschip." [10] Some individual members of the crews appear by name, the most indispensable being the "lodesmen," chief of whom was Jacob Poppyn, "master of all the ships." German "lodesmen" (pilots) took the ships to Prussia, and English men brought them back; these men are all named in the Accounts, and received good wages. On the galley, the seneschal had dealings with the "patronus," the "scriuen" (or supercargo), the "scalk" (steward), and the "galeymen." The wages of the crews were evidently included in the hire of the ships.

To regulate and record the expenses of these great undertakings, Henry and his Council appointed a treasurer for war, Richard Kyngeston, who superseded the treasurer, for the time being. Kyngeston made up his books with the help of clerks both at home [11] and abroad, in the latter case, with the assistance of a notary and a clerk of Dantzic.[12]

[1] 7/17, 8/7, 23/27, etc. Three great ships took the party out, and two brought them back (first journey); for the second journey, three great ships took them out; and one galley was hired in the Mediterranean.
[2] 97/26, 98/6. [3] 39/5. [4] 99/20, 23. [5] 206/20, 23.
[6] 19/24. [7] 37/29, 41/22, 238/22, etc. [8] 257/15.
[9] Pp. 36–37. [10] S. P. Statham, *Dover Charters*, pp. 34–6.
[11] 103/27, etc. [12] 54/1.

The treasurer took his counters [1] and his counting cloth,[2] to effect his calculations, and bought much paper, parchment and ink. The costs of the journeys were very largely met by John of Gaunt, although Henry paid a part out of his ordinary revenues.[3] The money given by Gaunt —florins of Aragon—had to be fetched by the treasurer for war, was placed in special bags, and was carried by the "treasury horse." Later requirements were met by cashing bills of exchange, drawn on the Albertini, on Nicholas of Lucca, and on Francisco Neerle, Lombard.[4] The corresponding entries are to be found in Gaunt's Accounts.[5] The many currencies used on the expeditions are seen at a casual glance, and the reckoning of the exchange must have been no easy matter for the treasurer and his clerks.[6]

This brief outline gives some idea of the kind of evidence furnished by these Wardrobe Accounts, as to the economy of a travelling household in the later Middle Ages. And this state of affairs persisted long after the Middle Ages had closed. Sir Walter Scott, in 1813, met Lord Abercorn "travelling in a rather peculiar style" between Carlisle and Longtown. This nobleman, when making a halt at a "little paltry public-house," endeavoured to reproduce there the style of his own lordly mansions. Scott, so his biographer says,[7] delighted in telling the story of this encounter as being "perhaps the last relic of a style of manners now passed away and never likely to be revived among us." So long, however, as there remain any considerable districts outside the sphere of modern organised transport, these Accounts will continue to possess more than a purely antiquarian interest.

[1] 5/15, 257/4. [2] 10/5, 152/1. [3] Pp. 4, 149. [4] P. 150.

[5] *Duchy of Lancaster; Accounts (Various). III, Receiver General, No. 2.*

[6] The treasurer has written in various marginal notes to assist him in his reckonings.

[7] Lockhart: *Life of Sir Walter Scott*, 1839 edition, Vol. IV, pp. 94–95. I owe this reference to the kindness of Mr. Charles Johnson.

Note on "HARNESS."

However much we may regret the bald style of a wardrobe account, we may at least envy the medieval clerks the possession of the very useful word "harness," which could be used for almost anything except meat and drink. The *Promptorium Parvulorum* [1] recognises these meanings :—

"Harneys, or rayment—paramentum.
"Harneys, wepne—Arma.
"Harneys, or hustylment (instrumentys longynge to howsolde)—Utensile.
"Harneys, for hors."

The following are examples of the use of the word, taken from the Derby Accounts and elsewhere :—

(i) meaning what we mean to-day, equipment of a horse :—

Derby Accounts
- 175/5, pro harnesio j carecte.
- 180/15, pro trays, capistris et aliis diversis harnesiis . . .
- 241/27, two "harnesses" with two saddles.
- "carteharnas, viz., colers, panell, etc." [2]

(ii) meaning armour :—

Derby Accounts
- 35/12, ij chesell.' por trencher harnes.
- 46/18, leggharneys domini.
- 173/22, pro emendacione diversorum harnesiorum domini de armatura.
- 283/6. Item armature [apud Rodez] pro emendacione diversorum harnesiorum domini.

"8 longe koferes wethe the armes and a sprewse kofer of harnes, and a pype fol of harowes, loked; and an hogeshed loked wethe myn howen hernes." . . . [3]

"in duobus pipis et una rundella plenis harnesiis armorum." [4]

"artillerie et . . . tous harnoys de guerre." [5]

(iii) meaning luggage :—

Derby Accounts. 173/29 harnesiorum domini de la garderobe.

[1] *Camden Soc., Old Series,* 1843.
[2] *Durham Account Rolls* (Surtees Soc.), III, p. 607.
[3] *Manners and Household Expenses* (Roxburghe Club), p. 455 (Howard Household Accounts).
[4] *Exchequer Rolls of Scotland, IV,* p. 680.
[5] In the arsenal at Venice—*Voyage de la Sainct Cyté de Hierusalem,* 1480 (Cordier and Schefer's *Receuil de Voyages,* Tome II).

"unum saccum cum lecto et hernes' . . . cariatum in carectis garderobe." [1]

"j harnes with dyvars parsells therein." [2]

(iv) meaning personal belongings:—

Derby Accounts. 187/13, pro locione diversorum harnesiorum domini . . .

"les harnoises de noz enfants." [3]

"al myn Harneys, þat is to say, a bed . . . with a . . . coverlet," [4] etc.

(v) meaning goldsmith's work:—

Derby Accounts 240/10, "cum coleriis et aliis hernesiis domini."

"A collar garnished with harness of latten for the lord's greyhound." [5]

"And on that other side a gaie daggere,
Harneised wel, and sharpe as point of spere." [6]

(vi) meaning clothes:—

Derby Accounts 241/24 green woollen stuff "pro diversis harnesiis domini . . . faciendis."

Derby Accounts 280/31 "dati cissori pro j coyfe et factura diversorum harnesiorum domini pro galeia."

(vii) meaning almost anything:—

"ejus est etiam carectas emere, saccos, barhuda, et hujus modi harnesia tam sumariis quam carectariis competentia." [7]

"Wtghegheúen van paerden, van harnasch ende von Laken." [8]

Note on Language

There were in existence in the Middle Ages various guide-books to conversation and language, a good example (though of somewhat later date) being that of Andrew Borde,[9] who gives

[1] *Liber Quotidianus Contrarotulatoris Garderobe* (Soc. of Antiquaries), p. 98.

[2] *York Merchant Adventurers* (Surtees Soc., No. 129), p. 60.

[3] *John of Gaunt's Register* (Camden Soc., 1911), II, 940.

[4] *Earliest English Wills* (Early English Text Society, No. 78), p. 36.

[5] *Archaeologia*, 62. A Wardrobe Account of 16–17 Richard II.

[6] Chaucer's *Prologue:* The Yeoman.

[7] *Fleta.* Tome 3, cap. 21. The duty of the sergeant of the sumpters.

[8] *Scriptores Rerum Prussicarum* (Hirsch, Toppen and Strelke), Band III, p. 747; Nederheim's Wardrobe Accounts.

[9] *Intreoduction to Knowledge* (Early English Text Society).

some entertaining imaginary conversations between an Englishman and men of divers nationalities. Another was "*La Manière de Langage qui enseigne à parler et à écrire le français : Modèles de conversation composés en Angleterre à la fin du xiv^e siècle.*" [1] William Wey [2] gives, for the benefit of pilgrims a kind of *vade mecum* of useful terms. These books were probably widely used; but the clerk, Felix Faber, writing in the fifteenth century, had but a poor opinion of these "directiones . . . de diaetis, de expensis, de regimini in mari, de conversatione cum Sarracenis," [3] etc. Faber speaks of an interpreter on the Venetian galley, a certain Ulric, who, originally a trader, had been a galley-slave; another writer shows that the supercargo ("lo scrivano") went on land first at Jaffa—"lo qual sapeva la lingua." [4] Heralds could often speak several languages, the crowning instance being the herald of the Duke of Burgundy (in the late fifteenth century), who spoke seventeen tongues and had visited all the kings of Christendom! [5]

We know that the Crusades produced a *lingua franca* for the Mediterranean regions; doubtless some dialect was evolved for northern Europe, where trade and the pursuit of arms followed the same routes. Merchants found it worth their while to learn foreign tongues,[6] and there was, of course, a great similarity between many of the dialects; for instance, a Venetian merchant living at Tana in the mid-fifteenth century, observes, "The Gothes speak dowche, whiche I knowe by a dowcheman, my serunt, that was w^th^ me there; for they understode one another well enough, as we [i.e. Venetians] understande a furlane [i.e. of Forli] or a florentine." [7]

The teaching of languages was probably not very satisfactory—French of the school of "Stratford-atte-Bowe," or of "þe ferthest ende of norfolke"—was not of much practical use. The best way was to reside abroad; that experienced traveller, Gilbert de Lannoy, being much impressed by the great diversity

[1] From MS. Harl. 3988. Edited by Paul Meyer, 1873.

[2] W. Wey. *Itineraries* and *Informacyon for Pilgrimes* (Roxburghe Club).

[3] *Evagatorium . . . in Terram Sanctam* (Stuttgart Literarish. Verein, Bde. 2, 1843), p. 4.

[4] *El viaggio all' Santo Sepolcro . . .* 1413 (Ed. G. Ghinassi), p. 117.

[5] *Gentlemen Errant* (Mrs. Henry Cust), p. 27.

[6] *Des Ursins*, I 384 (b) says that, at the siege of "Africa," were present some Genoese who could speak the language of the Saracens.

[7] *Travels of Venetians in Persia* (Hakluyt Soc., 1873), p. 30.

of tongues used in northern Europe, had his young relative taught in the best school—" [Je] laissay Aggregy de Hen, mon parent, avecq le hault maistre [of Prussia] . . . où il demeura deux ans pour apprendre alemant." [1] When the Emperor Manuel visited western Europe, he was handicapped by his lack of knowledge. At the meeting of the Emperor and the King of France in Paris, each addressed the other, the former speaking Greek, the latter French; and that Manuel felt rather forlorn appears in a letter to Chrysoloras, where he speaks of " la différence de langage qui nous privait de lier conversation comme nous l'aurions voulu avec des hommes tout à fait bons et disposés à nous être agréables." [2]

The cosmopolitan character of the crowds of pilgrims going to the Holy Land caused endless strife on board the galleys, and much discomfort on land. This was even the case with clerks, so that laymen, especially the poorer members of the party, must have suffered a great deal of misery. Felix Faber says that on his first landing in Italy he could find no one who could speak German, and thus they had to ask for everything in dumb show.[3]

Apart from using interpreters, the most convenient way of avoiding the language difficulty seems to have consisted in seeking out your own fellow-countrymen wherever you went! There grew up, in the larger towns, inns, or hostels dedicated to some particular nationality—e.g. the Hospice of St. Thomas of Canterbury for Englishmen, and that of S. Maria dell' Anima for Germans, at Rome.[4] A Milanese friar of the later fifteenth century, Canon Pietro Casola,[5] has left a vivid account of his travels, in which he sets forth his attempts to find his fellow-citizens everywhere—at Padua, at Milan, at Venice.[6] This man even insisted on doing all the cooking on the journey—Milanese fashion![7] Felix Faber gives the most convincing evidence of this custom, however; for he speaks enthusiastically of his reception at St. George's Inn[8] at Venice (called by the Ger-

[1] C. P. Serrure's edition of de Lannoy (1840), p. 34.

[2] *Un Empereur Byzantin . . . à Paris et à Londres* (G. Schlumberger), pp. 20, 23.

[3] *Evagatorium*, p. 31. " et per signa omnia postulavimus."

[4] *R.H.S. Transactions* IV, 6. " The English Colony at Rome in the Fourteenth Century."

[5] *Canon Pietro Casola's Pilgrimage in* 1483 (Manchester Univ. Publications).

[6] *Ibid.*, pp. 123, 124, 138. [7] *Ibid.*, p. 154. [8] *Evagatorium*, p. 83.

mans "Zu der Fleuten"), where he was greeted by "magister Johannes" and "domina Margareta hospita cum magna hilaritate." All the people in the house spoke German; and the big black dog loved all Germans, but rushed viciously upon folk of any other nationality!

THE ENGLISH PROVINCE OF THE ORDER OF CLUNY IN THE FIFTEENTH CENTURY

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During the schism in the papacy, when France recognised the pope at Avignon and England the pope at Rome, the relations between Cluny and the English province were broken off completely; Urban VI and Boniface IX put the English Cluniacs under the provisional government of the archbishop of Canterbury and the priors of Thetford and Bermondsey, who nominated priors as vacancies occurred and summoned provincial chapters.[1] When England and France both recognised Pope Alexander V in 1409 and the schism came to an end, it was not possible to revert to the earlier relations between the mother-houses in France and their dependencies in England. National feeling against French superiors had been intensified by the long wars, and some French monasteries had sold their English possessions. The abbots of Cluny aimed at recovering all the rights which they had lost during the wars and the schism.

In the Order of Cluny the priors were nominated by the heads of the mother-house from which the first monks had been sent.[2] The abbot of Cluny had the right of nomination to Lewes, Thetford, Lenton, and Montacute, though at Lewes and Thetford the descendants of the founders

[1] R. Graham, "The Papal Schism of 1378 and the English Province of the Order of Cluny," *English Historical Review*, xxxviii, pp. 481–95. I am indebted to the editor for his kind permission to repeat several sentences.

[2] J. M. Besse, "L'Ordre de Cluny et son Gouvernement," *Revue Mabillon*, i, pp. 1–40.

asserted a right to be consulted as patrons; the prior of La Charité had nominated to Bermondsey, Northampton, Wenlock, and Pontefract; the prior of St. Martin-des-Champs to Barnstaple, St. James at Exeter, and St. Clears in Carmarthenshire; the English priors nominated the priors of their own dependent houses.[1] On the death of a prior, the head of the mother-house was entitled to receive as "spolia" his palfrey, cope, and breviary.[2] A yearly payment called the census or apport was due to each mother-house in recognition of subjection. Cluny had a right to a total sum of £16 6*s*. 8*d*.[3] from Lewes, Thetford, Lenton, and Montacute, and smaller sums were due to La Charité and St. Martin-des-Champs. Whenever England and France were at war the payment of any apport to foreign mother-houses was forbidden; in 1401 the English priors refused to pay a penny to the abbot of Cluny's envoys on the ground that the French Cluniacs were schismatics.[4]

Since the middle of the thirteenth century the Order of Cluny had been divided into ten provinces, of which England was one.[5] Two visitors were appointed for each province to make a visitation and present a report at the annual general chapter at Cluny on the third Sunday after Easter. All the priors of the English houses, whether they were immediately dependent on Cluny, or mediately through La Charité, St. Martin-des-Champs, or Lewes, were bound to go to Cluny to the general chapter once in two years. After 1301 attendance was required only from the priors

[1] L. Guilloreau, "Les Prieurés Anglais de l'Ordre de Cluny," *Congrès du Millénaire de Cluny* (Académie de Mâcon, 1910), i, 291–373, and *Revue Mabillon*, viii, pp. 1–42, 159–88; U. Berlière, "Les monastères de l'Ordre de Cluny du XIII^e^ au XV^e^ siècle," *Revue Bénédictine*, x, pp. 99–107.

[2] Aimoin, *De Gestis Francorum*, ed. 1602, p. 849; Bodleian MS., Rawlinson, C. 236, f. 91.

[3] G. Duckett, *Charters and Records of Cluny*, I, p. 184.

[4] *Ibid.*, I, p. 189.

[5] A. Bruel, "Les chapitres généraux de l'Ordre de Cluny," *Bibliothèque de l'École des Chartes*, xxxiv, 542–79; Besse, op. cit., *Revue Mabillon*, i, 97–138; Anger, "Chapitres généraux de Cluny," *Revue Mabillon*, viii, p. 214–52.

of Lewes, Thetford, Lenton, and Montacute, who were immediately dependent,[1] but the priors of Bermondsey, Northampton, Wenlock, and Pontefract were still bound to attend general chapters at La Charité.

The history of the English houses in the fifteenth century is a record of their struggle to shake off the yoke of the mother-houses in France; they got special privileges from the Crown and the papacy, and some became directly subject to the Pope.

The road to freedom was already marked out. In 1399 Bermondsey had been created an abbey by Pope Boniface IX at the request of Richard II, and by this bull the monks obtained the right of electing their abbot after applying to the king as patron for the usual *congé d'élire*.[2] When they had elected their abbot they notified the king, who gave his assent, and directed the Archbishop of Canterbury to scrutinise the proceedings and confirm the election, if all was in order.[3] The prior of La Charité had lost his right to nominate or confirm the head of the monastery of Bermondsey, and he did not reassert it until the reign of Edward IV. Lewes had always been regarded as the head house of the Order in England, and the prior realised that his position was difficult with Bermondsey as an abbey; but the abbot of Cluny refused to make Lewes an abbey,[4] and declined to give official recognition to the new status of Bermondsey.

Thetford had secured a papal bull granting freedom of election before 1376,[5] and the privilege was confirmed during the schism by Boniface IX in 1399.[6] Northampton secured freedom of election in the denization charter granted

[1] *Millénaire de Cluny*, i, p. 344.

[2] *Annales Monastici*, III, p. 483.

[3] Archiepiscopal Registers of Canterbury, Arundel, i, f. 399^{v}; Chicheley, i, f. 49^{v}.

[4] *English Historical Review*, xxxviii, p. 494.

[5] Reyner, *Apostolatus Benedictinorum in Anglia*, Appendix, tertia pars, p. 208; Rot. Pat., 50 Ed. III, Pt. 1, m. 5.

[6] *Cal. of Papal Letters*, IV, p. 196.

by Henry IV in 1405,[1] Montacute by a special charter from Henry V in 1413.[2]

A series of most interesting letters, drafts and memoranda about the English province were among the archives of Cluny until the French revolution; they are now in Paris at the Bibliothèque Nationale and were printed privately by the late Sir George Duckett. Some of them are drafts without dates, and in the light of other evidence it is now possible to date them with more accuracy.

In 1410 the abbot of Cluny appointed the prior of Lewes as his vicar-general with power to act for him and the priors of La Charité and St. Martin-des-Champs, and to nominate the heads of the English houses which were immediately subject to them. On the way from Cluny to England the messenger stayed at St. Charité, on the Loire, about sixteen miles below Nevers, and the prior substituted a copy for the original document, and altered a clause which he believed to have compromised his own rights.[3] The want of harmony between Cluny and La Charité introduced another source of friction between the English houses immediately dependent on Cluny—Lewes, Thetford, Lenton, and Montacute—and those which were immediately dependent on La Charité—Bermondsey, Northampton, Pontefract, and Wenlock.

The letters which passed between Cluny, St. Martin-des-Champs, and Lewes prove that Abbot Raymond de Cadouin was unwilling or unable to realise the changes which were the result of the long wars between France and England. He was an old man, over seventy according to his own testimony in 1416,[4] and he had been prior of Cluny for twenty-three years before he succeeded as abbot in 1400.[5] He insisted that the prior of Lewes should take

[1] Rot. Pat., 6 Hen. IV, Pt. 2, m. 25.
[2] Rot. Pat., 1 Hen. V, Pt. 2, m. 30.
[3] *English Historical Review*, xxxviii, pp. 493, 494.
[4] E. Martène et U. Durand, *Veterum Scriptorum Amplissima Collectio* (ed. 1733), vii, p. 1217.
[5] *Bibliotheca Cluniacensis* (ed. Marrier et Duchesne), p. 1674.

steps on his behalf to recover four manors which had been granted to Cluny by Henry I and Stephen instead of their first gifts of £200 a year from the Exchequer.[1] The manors were Letcombe Regis in Buckinghamshire, Offord Cluny in Huntingdonshire, Manton and Tixover in Rutland; and they had been alienated during the French wars. The prior of Lewes advised the abbot to follow the example of other French houses in selling their English lands, and urged him to accept Sir William Porter's offer to buy the four manors.[2] He wrote again to the prior of St. Martin-des-Champs:

"The abbot of Cluny will not be able to recover his manors in England while there are wars between France and England, and there is no prospect of any end to them in our time . . . There is a widespread report in this country that the king of France with his council has decreed that no Englishman shall receive anything from any possessions in France, and in the last parliament, the king was urged to make a decree about the possessions of Frenchmen here; it would have been done unless the king had insisted on further deliberation, and it will probably happen in the next parliament."[3]

The prior of St. Martin-des-Champs had suggested the exchange of his two priories of St. James at Exeter and St. Clears, Carmarthenshire, for two French priories belonging to Lewes: "If you will add Barnstaple, and put your three against our two, we might arrange it, but it will be very difficult."[4] The exchange was not effected.

On September 1, 1414, Henry V granted the four manors of Cluny to Sir William Porter for the rent of a red rose, and in the deed he referred to the resumption of alien priories and lands at the parliament of Leicester which met on April 30.[5] It had been clearly stated on the Rolls

[1] Duckett, op. cit., I, pp. 211, 212; J. H. Round, *Calendar of Documents Preserved in France*, pp. 506–9.
[2] *Ibid.*, op. cit., I, pp. 229–31.
[3] *Ibid.*, I, p. 231.
[4] *Ibid.*, I, pp. 237, 238.
[5] *Ibid.*, op. cit., II, pp. 5, 9–15.

of Parliament that this was a measure of retaliation for the French king's action in confiscating English possessions. Longueville Priory in Normandy, a priory dependent on La Charité, lost its English manors of Newington Longeville in Buckinghamshire and Witchingham in Norfolk. Almost all the Cluniac priories had acquired denization charters releasing them from the disabilities of aliens, with the condition that in time of war any apport due to the French mother-houses should be paid to the Crown. Under the act of resumption the apports now passed into the king's hands,[1] and entries on the patent rolls show that they were regularly granted away, at first as rewards for faithful service[2] and afterwards as endowments for colleges. The small priory of St. Helen's in the Isle of Wight was not included in the denization charter of Wenlock in Shropshire and remained in the king's hands.[3] St. James at Exeter and St. Clears, Carmarthenshire, were also alien priories ; they were served by a prior and one or two monks, and paid a very high rent which was granted away by the king.[4]

John Burghersh, prior of Lewes, was unfitted to bear the weight of responsibility of vicar-general which had been put upon him by the abbot of Cluny at a very difficult time. He was obviously an incapable administrator, for under his rule Lewes sank heavily into debt, and he got on neither with his own monks nor with other English priors. In writing to the abbot of Cluny and the prior of St. Martin-des-Champs in 1412, he complained bitterly of opposition within the order in England, and particularly from the priors under the jurisdiction of La Charité.[5] He reported that Bermondsey was very well governed and he had heard a good account of Wenlock, but Pontefract was very badly governed ; he had been urged to visit that

[1] Rolls of Parliament, iv, 22 ; Rymer, *Fœdera*, ix, pp. 280, 281.
[2] E.g. *Cal. of Letters Patent*, 1429–36, p. 45 ; *ibid.*, 1436–41, p. 529.
[3] *Ibid.*, 1436–41, pp. 189, 304.
[4] *Ibid.*, 1436–41, pp. 151, 201 ; 189, 304, 531.
[5] Duckett, op. cit., I, pp. 225–7, 233, 234.

priory, but he was detained by other business, and he was unwilling to intervene in the jurisdiction of the prior of La Charité, who would do better to appoint his own vicar-general:[1] "I do not wish to be his vicar-general, for I long to be relieved of everything and to lead a quiet life." He besought the abbot of Cluny to release him and give the office of vicar-general to others of prudence and discretion, the abbot of Bermondsey, the priors of Lenton, Wenlock, Northampton, Montacute, or Thetford, whom he mentioned by name.[2] He had to bear the burden of office for another three years, and urgent business continued to be his plea for not executing the abbot of Cluny's commands.[3] In 1414 he collated Thomas Elmham, a professed monk of the Order of Cluny, as prior of Lenton.[4] Thomas Elmham is the only English Cluniac of the fifteenth century who has attracted the attention of historians; he wrote the best account of Henry V's campaign in France in 1415, for as a royal chaplain he sailed with the fleet from Southampton in August, and was present at the siege of Harfleur and at the battle of Agincourt.[5]

The details of his earlier life are unknown. He was a Norfolk man by birth, and certainly possessed the qualities of "mightiness, energy, and independence," which he says were attributed to Norfolk men by their admirers in his day.[6] In 1407 he was treasurer of the Benedictine monastery of St. Augustine's, Canterbury, and he compiled a volume on the early history of that monastery. He had a passion for making chronological tables,[7] but he was a man of affairs as well as a student, and he exercised a real influence on the fortunes of the English Cluniacs. On

[1] Duckett, op. cit., I, p. 287.
[2] *Ibid.*, I, p. 232.
[3] *Ibid.*, I, p. 257.
[4] Rot. Pat., 2 Hen. V, Pt. 1, mm. 14, 19.
[5] J. H. Wylie, *The Reign of Henry V*, Vol. II, pp. 77–83; C. L. Kingsford, *English Historical Literature in the Fifteenth Century*, pp. 44–60.
[6] Thomas of Elmham, *Historia monasterii S. Augustini Cantuariensis* (ed. C. Hardwick), pp. xxi, 140 (R.S.).
[7] MS. Cotton Claudius E. IV, f. 1 (B. Mus.).

June 11, 1414, Henry V ordered the escheators to restore the temporalities of Lenton priory to him.[1]

In the summer or early autumn of 1414 the Cluniac priors met in London, either at the town house of the prior of Lewes in Southwark, on the south side of St. Olave's Street "over against" the parish church,[2] or at Bermondsey abbey; they discussed the difficulties of the relations between the English province and the French mother-houses, and they drew up a series of proposals to be submitted to the abbot of Cluny:[3]

(i) That the abbot of Cluny should depute his functions and powers of jurisdiction in all ordinary matters in the kingdom of England to a vicar-general in spiritual and temporal affairs, who would refer cases of unusual difficulty to the abbot or to the general chapter of Cluny.

(ii) That the abbot of Cluny should grant the power to receive the professions of their monks to the priors of all conventual houses, and particularly those immediately dependent on Cluny, i.e. Lewes, Thetford, Lenton, and Montacute; and the vicar-general should have the power to receive the professions of monks of all other priories, conventual and non-conventual. This would avoid the intolerable expense of sending all monks to Cluny to be professed, and the difficulties of the long journey, dangerous both to body and soul.

(iii) That when there was a vacancy, by death or resignation, in any house directly dependent on Cluny, La

[1] Rot. Pat., 2 Hen. V, Pt. 1, m. 19. He is there described as a professed monk of the Cluniac Order. It may be conjectured that he was first professed as a Cluniac, and like several other Cluniac monks had received a papal licence to transfer himself to a Benedictine monastery, though his name is not noted in the Calendar of the papal registers. In 1401, when the abbot of Cluny sent the priors of Crespy and Valois on a mission to England, they had instructions to consult Thomas, the sacrist of Bermondsey, a good, trustworthy monk who loved Cluny and was reported to be then at Lenton (cf. Duckett, op. cit., I, pp. 184, 185). There are several instances of Benedictines and Cluniacs returning to their former houses in the later years of the fourteenth century.

[2] J. Stow, *Survey of London* (ed. C. L. Kingsford), II, p. 64.

[3] Duckett, op. cit., II, pp. 22–4; wrongly dated "*circa* 1415."

Charité, or St. Martin-des-Champs, the monks should have the right to elect their abbots or priors either from among themselves or from the monks of another Cluniac house; that the monk thus elected should present himself to the vicar-general and take the oath of obedience to the abbot of Cluny; the vicar-general should then give him letters to the patron, who would admit him to the temporalities according to the usual custom. "And so," the memorial continued, "he will return to his house with the fear of God and fulfil the duties of his office."

(iv) That once in three years the vicar-general should summon all abbots and priors in the kingdom of England, who were directly or indirectly subject to Cluny, to a provincial chapter to be held at the most convenient place. They must appear in person or by proctors and choose diffinitors or executive officers with whom they would discuss the government of the Order and make statutes. They also suggested that the monks of each house should be represented by a proctor at this provincial chapter, and the proctors would be able to bring complaints from the monks against the heads of their houses. The acts of these provincial chapters would be sent to the general chapter of Cluny for confirmation.

(v) That the abbot of Cluny should provide a remedy against monks who secured exemptions from the Pope, and either put off their habits, or went about in them to the houses of great men, and wandered through cities and towns, or served parish churches for an annual stipend, and administered the sacraments.

The memorial ended with a request that the abbot of Cluny would send letters patent confirming Thomas Elmham as prior of Lenton; the king had admitted him to the temporalities, and the vicar-general to the spiritualities.

It is extremely probable that the final draft of the document was made by Thomas Elmham. One sentence occurring in the middle of those clear and practical proposals is a piece of fine writing, reminiscent of two remarkably

similar sentences in his *Metrical Life of Henry V* and the *History of St. Augustine's, Canterbury*.[1]

Elmham had set his heart on going to the Council of Constance, which began its sessions in the autumn of 1414; he expected to meet the abbot of Cluny there and to submit these proposals to him.[2] Henry V refused to spare Elmham, who as a royal chaplain was then immersed in State affairs, and he wrote to the abbot of Cluny from his palace at Westminster on November 24, 1414.[3] This letter was almost certainly drafted by Elmham, passages and phrases were culled from the memorial of the English priors, and some sentences were written in the peculiar style which Elmham sometimes adopted. The king urged the abbot to appoint a strong and capable vicar-general to summon a provincial chapter, to grant freedom of election to the monks, and the right to profess monks to the priories immediately dependent on the mother-house. He heard that Cluny had granted this privilege to Thetford, and he begged it for Lenton, which was of royal patronage, adding that if the abbot refused his request, he would seek a remedy. Thetford had actually secured the privilege by a papal bull,[4] and this was a veiled threat of either an appeal to the Pope, or of a royal charter which would override the authority of Cluny.

The king's letter and the memorial of the English priors were entrusted to John Kilquit, preceptor of the Hospitallers of Clerkenwell and of Thirsk in Yorkshire, and he took them to the Council of Constance.[5] The abbot of Cluny was not there, and when Kilquit was on his way home in 1415 he learnt that he could not get a safe-conduct to travel to Cluny until he reached Bar-sur-Seine or Troyes, and from either town it was a long journey south to Cluny. So on

[1] Duckett, op. cit., II, p. 23, "ordo pene marcidus, etc."; cf. *Historia monasterii S. Augustini Cantuariensis*, p. xxiii.

[2] *Ibid.*, op. cit., II, pp. 17, 19.

[3] *Ibid.*, II, pp. 15–17.

[4] Reyner, *Apostolatus Benedictinorum in Anglia*, Appendix, tertia pars, p. 208.

[5] Duckett, op. cit., II, pp. 16, 20; *V. C. H. Yorkshire*, III, p. 261.

arriving at Chatillon-sur-Seine on April 21, 1415, he entrusted the king's letter and the memorial to a messenger named Gregory of Conflans, and wrote to the abbot of Cluny, reminding him that the prior of Lewes was longing to be relieved of the office of vicar-general and urging him to appoint the prior of Lenton ; he was upright and prudent, a great favourite with the king and well acquainted with the affairs of the English Cluniacs. The bearer of the letter would bring back the abbot of Cluny's answer either to the prior of Lenton or to himself.

The document of the proposals of the English priors was endorsed at Cluny as "*Memorie misse per priores Anglie, qui sunt una magna fatuitas.*" [1] It seems probable that this was the first impression of the old abbot, Raymond de Cadouin, and that the words were scribbled in petulant haste. But the memorial was not thrown aside as great folly from beginning to end. Wiser counsels prevailed and speedily. Six or seven weeks after the letter reached Cluny, on June 12, 1415, Henry V gave permission to Thomas Elmham to accept the commission of vicar-general and chamberlain of the province of England and Scotland for two years, with full power to hear and settle all questions, civil, spiritual, and criminal, and to visit all places of the Order whether mediately or immediately subject to Cluny, particularly the abbey of Bermondsey, the expenses of the visitation to be defrayed by the houses visited ; and to do everything pertaining to the office of vicar-general which was specified by the abbot of Cluny.[2] The king commanded the sheriffs, chief constables, bailiffs and others to protect Elmham, his monks, servants, horses and gear wherever he might be on a visitation. There is reason to believe that Elmham made his visitation in June and July, for on August 11 he left Southampton with the king for France, and did not return until November.[3] On February 16, 1416, he

[1] Duckett, op. cit., II, p. 24.

[2] Rot. Pat., 3 Hen. V, Pt. 1, m. 8.

[3] *Gesta Henrici Quinti* (ed. B. Williams), pp. 13, 60 (English Historical Society).

wrote in haste from the king's palace at Westminster to the abbot of Cluny reminding him that he had received no answer to a letter reporting his visitation. "In our Order in England," he wrote, "I have found many things which need to be cut away, some to be cured by healing medicine, a few to be strengthened and cherished." [1] Although he was entangled in the king's business, he sent copies of documents about other matters and requested an answer by the bearer with further instructions.

Abbot Raymond de Cadouin died in 1416 [2] and was succeeded by Robert de Chaudesolles, who had represented Cluny at the Council of Pisa in 1407; he was then at the Council of Constance and remained there for several months in 1417.[3] He was so far satisfied with Thomas Elmham that he nominated him vicar-general for another term of two years from October 26, 1417. This commission was entered in a register of Cluny, now at the Bibliothèque Nationale,[4] and has not been printed or quoted. It shows that the memorial of the English priors had been seriously considered, and though all the suggestions were not accepted, very wide powers were granted to the vicar-general. There is one point of considerable importance: Cluny refused deliberately to recognise that Bermondsey was an abbey, and the vicar-general was commissioned to visit "our priory of Bermondsey which we have heard is gravely in need of reform." He could also summon provincial chapters, and the attendance of the English priors at the general chapters of either Cluny or La Charité was not required. Even French monks could not travel in safety to their general chapters,[5] and the machinery of the central government in the Cluniac Order had broken down.

[1] Duckett, op. cit., II, pp. 21, 22.

[2] Between August 10 and September 15: Martène et Durand, *Amplissima Collectio*, vii, pp. 1217, 1218.

[3] Duckett, op. cit., II, pp. 198, 199.

[4] MS. Latin 9879, f. 68 (Bibliothèque Nationale).

[5] Denifle, *La Désolation des églises et monastères en France*, I, p. 573, Nos. 1036, 1037.

At the end of Thomas Elmham's second term of two years, the abbot of Cluny appointed Thomas Nelond, prior of Lewes, as his vicar-general.[1] Lewes had always been regarded as the premier house of the Order in England, and for the next fifty years the priors received the commissions of vicar-general, but the grant was limited as a rule to two years.

Thomas Nelond's predecessor at Lewes was the querulous John Burghersh, who had resigned the office of prior in 1417 for a pension of £20 a year, leaving the house in debt for over £2,000, the monastery buildings in a bad state of repair, and the manors depleted of stock.[2] It was a voluntary resignation made under compulsion, as he urged in a later petition to the Pope praying to be made prior again.[3] Nelond restored Lewes to prosperity with the help of friends and by careful management.[4] On his very fine brass, now in Cowfold Church, Sussex, he was described as possessing both the qualities of Martha and Mary.[5] He was not an active vicar-general, but he performed the ordinary duties. When Thomas Elmham resigned the office of prior of Lenton in 1427, Nelond appointed John Elmham, a monk of Lenton, as his successor,[6] collected the "spolia" of £20 and paid it over to Cluny.[7]

In 1424 Abbot Odo de la Perrière succeeded Robert de Chaudesolles at Cluny.[8] It was a time of difficulty and distress at the mother-house; the finances were seriously crippled not only owing to the loss of the English manors valued at £200 a year, but on account of non-payment of yearly dues from numerous priories in France which had

[1] MS. Latin 9879, ff. 131, 132.
[2] Duckett, op. cit., II, pp. 31, 32, 54, 55.
[3] *Ibid.*, II, p. 32.
[4] *Ibid.*, II, pp. 54, 55.
[5] Waller, *Monumental Brasses*, Plate 35. The date of death is given wrongly as 1433 instead of 1432; it occurred while the prior of La Charité was in England (cf. Duckett, II, p. 39).
[6] Rot. Pat., 5 Hen. VI, Pt. 1, m. 12.
[7] Duckett, op. cit., II, p. 54.
[8] *Bibliotheca Cluniacensis* (ed. Marrier et Duchesne), pp. 1675, 1676.

been ruined in the Hundred Years War.[1] The number of monks at Cluny had been reduced from 120 to 80 ; [2] large sums were expended on corn to provide them with their daily bread, and they were obliged to go without the pittances with which Cluny had been endowed formerly. Some of them were not willing to suffer these deprivations in silence, and their complaints were made to the Pope, who ordered a visitation.[3] In 1428 the visitors reported that the obligation of divine service by day and night was generally well fulfilled, the rules of silence and fasting were observed and discipline was maintained. They issued a long series of instructions relating mainly to housekeeping details, the better provision of food, wine, and clothes, e.g. in the great heat of the summer, when a thunderstorm was brewing and the bells were to be rung, the keeper of the wine was to provide as much as was needed.[4] A few years later, in 1436, the monks of Cluny complained at the general chapter that they had water coloured with wine instead of good wine mixed with water.[5]

The English vicars-general had failed notably in collecting money for Cluny, and in 1431 or 1432 Abbot Odo de la Perrière notified the archbishop of Canterbury that he had appointed Theobald Douet, the prior of La Charité, as his vicar-general in England and Scotland.[6] He had heard with great regret that owing to the papal schism and the wars between France and England, the priories, houses and cells in England had fallen away from the right observance of religious life ; and he requested Archbishop Chicheley to give all the help in his power to the prior of La Charité. Theobald Douet had been almoner of Cluny before he was

[1] Denifle, *La Désolation des églises et monastères en France*, e.g. I, pp. 45, 119, 165, 176, 209, 278, 279 ; II, pp. 429, 691, 709, 726.

[2] A. Vaquier, " Une réforme de Cluny en 1428," *Revue Bénédictine*, xxxv, p. 159.

[3] *Revue Bénédictine*, xxxv, p. 164 ; *Bibliotheca Cluniacensis* (ed. Marrier et Duchesne), p. 1676.

[4] *Revue Bénédictine*, xxxv, pp. 157–98.

[5] *Ibid.*, p. 158.

[6] Duckett, op. cit., II, pp. 33, 34.

promoted to be prior of La Charité in 1426,[1] and he understood the difficulties of both the mother-houses. After his return from England in 1432 it was decided that the abbot of Cluny and the prior of La Charité should issue separate and supplementary commissions to the prior of Lewes, so that, in future, the houses dependent on La Charité, i.e. Bermondsey, Northampton, Pontefract, and Wenlock, could not repudiate his authority. The prior of St. Martin-des-Champs had his own vicar-general, Thomas Dene, prior of St. James at Exeter, who visited Barnstaple in 1420,[2] and acted for him again in 1428.[3]

Robert Auncell, prior of Lewes, lost no time in petitioning the king for leave to execute the commissions of vicar-general of the abbot of Cluny and the prior of La Charité. They were carefully scrutinised, and the permission was granted, "notwithstanding any statutes to the contrary," but with a stipulation that if the prior of Lewes visited Bermondsey, it must be as an abbey, and moreover the clause by which he was instructed to collect annual dues and other moneys for Cluny was made void by a special prohibition against sending gold or silver, in bulk or in money, out of the kingdom.[4] He did his utmost to be loyal to Cluny. In a letter [5] dated July 15, 1434, he reported that he had visited Lenton, Montacute, Thetford, Northampton, and Pontefract, and intended to visit Wenlock as soon as he had the opportunity. He had cited the prior and monks of Bermondsey to appear before him in their chapter-house on a certain day, but the king immediately issued a prohibition, of which he had sent a copy to Cluny. He had made inquiries about the four manors of Cluny without success. He sent £13 6*s*. 4*d*. for "spoils" of Lewes in

[1] *Cartulaire de la Charité* (ed. R. de Lespinasse), p. 428; cf. *Inventaire des Manuscrits de la Bibliothèque Nationale*, Fonds de Cluny, ed. L. Delisle, p. 297.

[2] Chancery Miscellanea, 20/5, P.R.O.

[3] *Episcopal Registers of Exeter*, Lacey (ed. O. Reichel), p. 112.

[4] Rot. Pat., 11 Hen. VI, Pt. 1, m. 6.

[5] Duckett, op. cit., II, pp. 53–8.

arrears in spite of the king's prohibition against sending gold or silver out of the kingdom, and hoped that he would not be prosecuted for contempt, but he had failed to collect any other arrears of "spoils" or annual dues, for the priors always pleaded the king's prohibition. Prior Auncell observed that the difficulties of English houses with French superiors were increasing. The bishops were trying to break down the privileges of the Cluniacs by an interpretation of the Act of 1414 for the resumption of alien priories, and the king was presenting priors to the bishops in cases in which the nomination belonged to French monasteries. He was also appropriating for his own purposes money for spoils and annual dues which were claimed by the abbot of Cluny and others. The bishop of Lincoln was making every effort to get jurisdiction over Northampton and had cited the prior to appear before him on the charge of perjury; the prior had taken legal advice and refused to obey the citation.[1] In the face of all these difficulties Prior Auncell ventured to suggest to the abbot of Cluny that he should appoint a vicar-general with full powers for ten years or longer.

Auncell had sent a truthful report to Cluny. The bishop of Lincoln failed in his attempt on Northampton, but the troubles of the priory were not over until 1437, when the documents concerning the election and collation of Prior Braibrook in 1429 were ratified by the king for a fine of £20, representing probably the "spolia" claimed by La Charité.[2] Thetford and Pontefract were determined to get free not merely from Cluny and La Charité, but from any authority delegated by them to vicars-general in England. Henry VI helped the monks of Pontefract to get a papal bull in 1441, enabling them to elect their prior in absolute independence, and giving the prior power to profess his

[1] Canon C. W. Foster has kindly informed me that there is no reference to these proceedings in the register of W. Gray, Bishop of Lincoln, 1431–6.

[2] Rot. Pat., 16 Hen. VI, Pt. 1, m. 12.

own monks.[1] Thetford secured similar privileges in 1447.[2]

A few years later the French Cluniac houses were deprived for ever of those priories and lands which had been in the king's hands since 1414. In 1419 Henry V conquered Normandy and in 1420 he became heir to the king of France by the treaty of Troyes. His attitude towards the French monasteries which had been impoverished by the loss of their English possessions was changed, and he promised Pope Martin V that he would convert alien priories and lands in England into endowments for monasteries, churches, and pious uses, and give compensation to the original owners in France.[3] He appointed Philip Morgan, bishop of Worcester, then a member of the privy council, and two other persons to hear the claims of the foreign houses and to award a money compensation,[4] and there is evidence that the bishop of Worcester sanctioned one such agreement for the benefit of the abbot and monks of St. Remi at Reims.[5] In 1434 the English envoys to the Council of Bâle received instructions from the king that the question of restoring the alien priories could not be reopened because Henry V had permission from Pope Martin V to grant them away for pious uses.[6] In 1438, in a letter to the convocation of Canterbury, Henry VI lamented the decay of the universities of Oxford and Cambridge, "the two luminaries from which the chief part of the fame and glory of the crown and kingdom were derived," and desired help for them out of the patrimony of the Church.[7] Two years later he formally conveyed the alien priories and estates to a commission

[1] *Official Correspondence of Thomas Bekynton* (ed. G. Williams), I, pp. 121, 122 (R.S.); *Cal. of Papal Letters*, IX, p. 205; x, p. 133.

[2] *Cal. of Papal Letters*, X, p. 305.

[3] *Official Correspondence of Thomas Bekynton*, II, pp. 263–5.

[4] Denifle, *La Désolation des églises et monastères en France*, I, p. 576, No. 1039.

[5] Suppliques Eugen., IV, No. 261, f. 141b. I am indebted to Dom U. Berlière, O.S.B., for a transcript of this document from the register at the Vatican.

[6] *Official Correspondence of Thomas Bekynton*, II, pp. 263–5.

[7] *Ibid.*, I, pp. 55, 56.

consisting of the archbishop of Canterbury, the bishops of Bath and Wells, Salisbury and St. Asaph's, the earl of Suffolk, Thomas Beckington, and several others.[1] The result was that the Cluniac priory of St. James at Exeter was given to King's College, Cambridge,[2] and St. Clears to All Souls, Oxford.[3] Lands at Newington Longeville and Witchingham, which had belonged to the Cluniac priory of Longueville in Normandy, were given to New College, a valuable endowment worth £150 a year.[4] St. Helen's priory in the Isle of Wight was granted to Eton College.[5] Two of the manors of Cluny, Letcombe Regis and Offord Cluny, were given to Westminster Abbey.[6] The king and his advisers had fulfilled a part of Henry V's agreement with Pope Martin V to grant the alien priories for pious uses, but they had paid no compensation to the French monasteries. France and England were again at war, and the English were gradually losing all their conquests in France.

A study of the succession of the priors in several of the Cluniac houses in the second half of the fifteenth century is most bewildering. The Crown was trying to get the nomination of the priors either in collusion with the popes by sanctioning a papal provision, or by so interpreting the Statute of Provisors[7] as to exclude the nominations of foreign superiors through the vicar-general. There were divided opinions in the monasteries: one party aimed at securing the independence of an exempt Benedictine monastery like Westminster and St. Albans, the other party tried to be loyal members of the Cluniac Order, preferring a nominal dependence on a distant French superior to interference from the Crown. In 1452 another means of

[1] Rymer, *Fœdera*, x, pp. 802, 803 (ed. 1710).
[2] Rot. Pat., 22 Hen. VI, Pt. 2, m. 6.
[3] Rot. Pat., 24 Hen. VI, Pt. 1, m. 15.
[4] *Newington Longeville Charters* (ed. H. E. Salter), p. x. (Oxfordshire Record Society).
[5] Tanner, *Notitia Monastica*, p. 163.
[6] *Cal. of Letters Patent*, 1441–46, p. 350.
[7] *Statutes of the Realm*, II, p. 72.

securing the nomination of an important Cluniac house was tried on behalf of the Crown. John Benet had been prior of Montacute for thirty-seven years, and he sent his resignation to the pope through his proctor, an Italian merchant.[1] The proceedings suggest collusion between him and Henry VI, who wanted the nomination for a Benedictine monk of Westminster, Thomas Pomeray. As the resignation was made at Rome, Montacute Priory was reserved to the pope, and on September 5 he collated Thomas Pomeray on the petition of Henry VI; he made the late prior John Benet a papal chaplain, exempted him from all ordinary jurisdiction and assigned him a life pension out of the revenues of the priory.[2] Thomas Pomeray had been a monk of Westminster for thirty years and had studied at Oxford; in 1437 as the illegitimate son of a nobleman he received a papal dispensation to hold office, and was in succession cellarer, treasurer, keeper of the New Work, chamberlain and again treasurer at Westminster.[3] On December 16, Henry VI formally pardoned him for his technical offence against the Statutes of Provisors and Praemunire, and permitted him to accept and execute the papal bulls.[4] However, the monks of Montacute had elected Robert Montague, a monk of the house, his election had been confirmed by the prior of Monk Farley acting as commissary for the prior of Lewes, the vicar-general of Cluny, and the mandate to the escheators to restore the temporalities was issued on October 3.[5] So Thomas Pomeray remained at Westminster.

Age and infirmity weakened the purpose of Abbot Odo de la Perrière in the last years of his life.[6] He was succeeded in 1456 by Jean de Bourbon, Bishop of Le Puy, who had a papal dispensation to hold the abbey of Cluny

[1] *Cal. of Papal Letters*, X, pp. 124, 125.
[2] *Ibid.*, XI, p. 125.
[3] E. H. Pearce, *The Monks of Westminster*, pp. 37, 138, 139.
[4] Rot. Pat., 31 Hen. VI, Pt. 2, m. 11.
[5] *Cal. of Letters Patent*, 1452–61, p. 17.
[6] Duckett, op. cit., II, p. 60.

with his bishopric. He is the best known of the later abbots of Cluny, for he built the abbot's house in Paris, which is now the Musée de Cluny, a new abbot's lodging at Cluny, and the Chapelle de Bourbon, both of which escaped destruction after the revolution. The monk who compiled the chronicle of the abbots paid a glowing tribute to his memory.[1] He aimed at restoring Cluny to its former position and regaining all that had been lost in the Hundred Years War and the papal schism. At the general chapter of 1458 it was reported that many monasteries were in a ruinous condition, others had slipped out of the Order, and more than sixty years had elapsed since the provinces of England and Scotland, Spain, Italy, Hungary and Poland had been visited.[2] The firstfruits of all vacant abbeys and priories for ten years were appropriated to the expenses of this visitation. The most distinguished and learned monks were chosen as visitors for the different provinces.[3]

The three visitors who came to England were the prior of Vaucluse, doctor of theology, the sacrist of Cluny, a licentiate in canon law, and the archdeacon of Cluny [4]; they impressed the abbot of St. Albans as honourable and distinguished men of high character and great intelligence and learning.[5] Careful preparations were made for their success. The archives of Cluny were searched, copies were made of various documents, and a brief was drawn up for the recovery of the lost manors.[6] The envoys had wide powers to act for the abbot of Cluny in every capacity, and they had letters to all the English priors.[7] The recovery of jurisdiction over the whole province of England was another aim, and they brought with them a copy of the

[1] *Bibliotheca Cluniacensis* (ed. Marrier et Duchesne), pp. 1678–84.
[2] *Cal. of Papal Letters*, XI, p. 559.
[3] *Bibliotheca Cluniacensis*, p. 1680.
[4] Duckett, op. cit., II, p. 73.
[5] *Registrum Abbatiæ Johannis Whethamstede* (ed. H. T. Riley), I, p. 317 (R.S.).
[6] Duckett, op. cit., II, pp. 73–5, 83–5 (wrongly dated "about 1457").
[7] *Ibid.*, II, p. 85.

long series of statutes of Abbot Jean de Bourbon which had been accepted at the last general chapter.[1] Their commission was dated at Cluny on July 23, 1458,[2] and they had a letter of introduction to the king from the queen's father, Réné, Count of Anjou.[3] They were in Paris on August 8,[4] and crossed to Dover, the chief port for passenger traffic in the Middle Ages. On arriving in London they heard that the king was at St. Albans, so they rode on there and came to the monastery to ask for an audience.[5] The king deputed the bishop of Durham, Lord Gray de Ruthven, and the chancellor to hear them; they met first in the church and then withdrew to the vestry. The prior of Vaucluse explained that they had been sent by the abbot of Cluny for three reasons: firstly, to tell the king that his ancestors were most generous benefactors, and in virtue of their gifts he was regarded as their principal founder and specially remembered in all their prayers; secondly, to recover the lost manors of Cluny; and thirdly, to ask permission to visit all monasteries and priories which had been at any time under the jurisdiction of Cluny. The king's ministers notified his command that they should return to London, and an answer would be given them with the advice of his council. Before leaving St. Albans the Cluniac monks had an interview with the queen, and were most hospitably received and entertained by the abbot of St. Albans. The weeks passed away in London, and they received no answer to their persuasive petition,[6] although they went daily to the palace of Westminster, and lords of the council promised them an audience of the king. Peace between the Lancastrian and Yorkist parties had been patched up a few months earlier, but it was merely a truce before the outbreak of civil war in 1459.

[1] Duckett, II, p. 84; *Bibliotheca Cluniacensis*, pp. 1594–1615.
[2] *Ibid.*, op. cit., II, p. 75.
[3] *Ibid.*, II, pp. 59, 60.
[4] *Ibid.*, II, p. 217.
[5] *Registrum Whethamstede*, I, p. 317.
[6] Duckett, op. cit., II, pp. 76–80, "Secunda Supplicatio."

It was impossible to pay £200 a year out of the exchequer to Cluny, or to give back manors and priories which had been added to the emoluments of Westminster Abbey, of Eton and of colleges at Oxford and Cambridge. The prior of Vaucluse addressed a third petition to the king, reproaching him for despoiling Cluny to endow colleges of students, thus robbing Peter to pay Paul.[1] They were returning home with empty hands, but nevertheless, so long as the walls of Cluny stood, prayers would be offered for the kings of England.

On November 13 the prior of Vaucluse wrote in great depression to the abbot of St. Albans.[2] After four months in London they had obtained nothing from the king and council. The youngest of them, the archdeacon of Cluny, had died. After paying their bills for lodging in London, they had only five gold crowns,[3] about sixteen shillings and eightpence, to meet the expenses of travelling two hundred and sixty leagues home to Cluny. In gratitude for the abbot's kindness, he sent him a little present, a treatise on English knighthood which he had written in London, and also a Cluniac habit, for he had heard that the abbot wanted one like those which he had seen them wearing at St. Albans. "I wish it were a new one," he added, "but it is all I have." The abbot of St. Albans was touched by the gifts and the letter, and he sent a few gold pennies to help the Cluniacs on their way home.[4]

The prior of Vaucluse had summed up the failure of the mission from Cluny in these words:

> "We have been despoiled of our manors and of the yearly payments due to us, and what is even worse, we have lost the obedience of our thirty-eight priories."[5]

This sentence attracted the notice of Bishop Tanner,

[1] *Ibid.*, II, pp. 80–3, "Tertia Supplicatio."
[2] *Registrum Whethamstede*, I, pp. 318–21.
[3] *Medieval England* (ed. H. W. C. Davis), p. 561.
[4] *Registrum Whethamstede*, I, pp. 321, 322; cf. *Medieval England*, pp. 565, 566.
[5] *Ibid.*, I, p. 320.

who wrote that Cluny was then deprived of the subjection of all the English houses, and his statement has been repeated in error by Sir George Duckett and other historians.[1] The deprivation was a slow process, which began long before 1458, and was continued for some time afterwards.

The priors of Lewes continued to receive commissions to act as vicar-general of the abbot of Cluny with the consent of the Crown,[2] and the last official act was entered on the patent roll in 1473, when Prior Attewell confirmed the election of Thomas Sudbury as prior of Northampton.[3] But after the failure of the mission in 1459 Abbot Jean de Bourbon took little interest in the English province, and even neglected the faithful house of Lewes. On the death of the prior in 1464 the monks complied with the usual formalities and sent a trusty messenger to Cluny ; [4] no answer came, and nine weeks later they complained of the delay and sent another messenger to travel to Cluny as quickly as possible ; they were in serious money difficulties, tenths were due to the king and a subsidy to the pope, they were four thousand ducats in debt through lawsuits, and their rent roll was reduced by one-half.[5] The delay was deeply resented, and during the life of the new prior, Thomas Attewell, a petition was presented to the pope from the prior and convent of Lewes praying that the monastery of Lewes and all its dependent priories might be released from dependence on Cluny.[6] The petition was supported by letters from Edward IV, and Queen Elizabeth and their son, Richard, Duke of York and Norfolk. In a bull dated September 20, 1480, Pope Sixtus IV made the monastery directly subject to the papal see, whereby a

[1] T. Tanner, *Notitia Monastica*, p. xv, note (c); Duckett, op. cit., II, p. 7.

[2] Rot. Pat., 39 Hen. VI, mm. 15, 20 ; Rymer, *Fœdera*, XI, pp. 464, 465.

[3] Rot. Pat., 13 Ed. IV, Pt. 2, mm. 14, 16.

[4] Duckett, op. cit., II, pp. 87–90.

[5] *Ibid.*, II, pp. 90, 91.

[6] *Ibid.*, II, pp. 92, 93.

yearly payment of a mark became due to the papal collector in London, and he gave the monks the privilege of freely electing their prior.[1]

In the reign of Edward IV the priors of La Charité acted independently of Cluny and attempted to regain their former rights at Bermondsey, Wenlock, and Northampton. They failed ultimately, but struggles between rival priors, nominated by the prior of La Charité and nominated or confirmed by the king, disturbed the peace of Northampton and Wenlock for over twenty years. Philibert de Maraffin,[2] prior of La Charité (1470–86), was a counsellor of Louis XI of France, and a kinsman of Louis de Maraffin, Seigneur de Notz-en-Brenne, one of the two French envoys in England in 1475.[3] A very small party among the monks was on his side, and their leader was an ambitious and unscrupulous Welshman, William of Brecknock, a professed monk of Northampton, supported by John of Shrewsbury who was probably professed at Wenlock.

On September 13, 1472, Prior William Hammond of Northampton asked the king to send a writ to the sheriff of Northampton for the arrest of two of his monks, William Brecknock and William Stone, who had put off their habits and were wandering about from place to place.[4] A writ was issued on October 15,[5] but William Brecknock escaped arrest. Early in 1473 he had received a commission to act as vicar-general for the prior of La Charité, with power to rule and govern all the priories and dependencies of La Charité in England, mentioning by name Bermondsey, Wenlock, Northampton, Pontefract and even Daventry,[6] which had slipped out of the Cluniac Order in the thirteenth century. William Brecknock appointed two commissaries

[1] *Ibid.*, II, pp. 92–8.
[2] *Cartulaire de la Charité* (ed. R. de Lespinasse), p. 428
[3] C. L. Schofield, *The Life and Reign of Edward IV*, II, pp. 169, 170.
[4] Chancery Warrants, Series I, No. 1787.
[5] Rot. Pat., 12 Ed. IV, Pt. 2, m. 32.
[6] Lincoln Episcopal Registers, Gravesend, p. 104; cf. p. 114 (Canterbury and York Society).

to act on his behalf; William Westcarre,[1] titular bishop of Sidon, who was acting as suffragan for the bishop of Winchester, and Thomas Candour, doctor of law. He was probably in London waiting for an opportunity to exercise his authority.

On April 5, 1473, the monks of Bermondsey secured a licence to elect an abbot in the place of John Bromley, who had resigned after forty years.[2] They at once elected a monk of the house, John Marlow, and on April 9 the king issued letters patent to the archbishop of Canterbury to scrutinise the proceedings and confirm the election, as on each successive occasion since 1399.[3] With extraordinary audacity William Brecknock asserted the prior of La Charité's right to confirm the election, the claim was accepted at the chancery, and on April 13 the king sent a mandate to the escheators to restore the temporalities to the abbot of Bermondsey, whose election had been confirmed by the bishop of Sidon and Thomas Candour on behalf of William Brecknock.[4] His commission was not recognised at Northampton when Prior William Hammond resigned in December; the monks elected a new prior from outside their own house, Thomas Sudbury, a monk of Bermondsey, and in accordance with the procedure at the last two Northampton elections, Sudbury was confirmed by the prior of Lewes acting as vicar-general for the abbot of Cluny.[5] Later evidence suggests that Brecknock had already persuaded the prior of La Charité to collate him to the priory of Northampton, but it was seven years before the king accepted this collation; in 1480 he pardoned Brecknock for offences against the Statute of Provisors, transgressions, misprisions and contempts, and recognised his commission

[1] W. Stubbs, *Registrum Sacrum Anglicanum*, p. 199 (ed. 1897).
[2] Rot. Pat., 13 Ed. IV, Pt. 1, m. 13.
[3] Rot. Pat., 13 Ed. IV, Pt. 1, m. 17; cf. Rot. Pat., 1 Hen. V, Pt. 1, m. 18; Rot. Pat., 11 Hen. VI, Pt. 1, m. 9.
[4] Rot. Pat., 13 Ed. IV, Pt. 1, m. 13.
[5] Rot. Pat., 13 Ed. IV, Pt. 2, mm. 14, 16.

to act as vicar-general for the prior of La Charité.[1] In the previous year Brecknock had succeeded in persuading the king to recognise John of Shrewsbury, who had been nominated prior of Wenlock by the prior of La Charité in 1471 [2] and had been kept out for eight years by the king's nominee, John Stratton,[3] who secured a warrant for the arrest of his rival and three other monks.[4] When Brecknock became prior of Northampton in 1480,[5] Thomas Sudbury, who had been elected by the monks in 1473, was set aside ; as the life of the monastery could not have been harmonious, Brecknock promoted Sudbury in 1482 to be prior of Wenlock in the place of John Shrewsbury, who was said to have resigned.[6]

Between 1483 and 1485 Brecknock attempted to visit Bermondsey Abbey, alleging " the great ruin and decay as well of the said monastery as of religion within the same." [7] He summoned the abbot and monks to appear before him in their chapter-house on a certain day, but they absented themselves. After warning the abbot of the result of his contumacy, he returned on a later day " to make further process according to the law," and entered the nave of the abbey church. Then, as he wrote subsequently to the chancellor,

" the said John Marlowe, abbot, with one master John Cooke, doctor of law, of one confederacy which had gathered the multitude of lay people notoriously and with force took your said beseecher, pulled him from his doctors, notaries and other of his learned counsel, and had him to secret hold and prison where they yet keep him, intending to murder him or otherwise mischief him."

Nevertheless, he managed to send a letter to the chan-

[1] Rot. Pat., 20 Ed. IV, Pt. 1, m. 3.
[2] Rot. Pat., 19 Ed. IV, m. 25 ; cf. Rot. Pat., 11 Ed. IV, Pt. 1, m. 10.
[3] Rot. Pat., 8 Ed. IV, Pt. 2, m. 23.
[4] Chancery Warrants, Series I, No. 1787.
[5] Rot. Pat., 20 Ed. IV, Pt. 1, m. 3.
[6] Rot. Pat., 22 Ed. IV, Pt. 1, m. 22.
[7] Early Chancery Proceedings, Bundle 47, No. 58.

cellor asking him to serve the abbot of Bermondsey with a writ of subpœna to appear before the king in his chancery with William Brecknock. He was released eventually.

Thomas Sudbury was not content to remain prior of Wenlock and determined to get back to Northampton. On December 4, 1485, Henry VII issued letters patent to Thomas Sudbury that he might take possession of Northampton Priory, to which he was elected and confirmed in 1473, notwithstanding any grant or confirmation made to William Brecknock.[1] But six months later, on June 7, 1486, William Brecknock secured from the chancery an exemplification of the letters patent of Edward IV confirming him as prior of Northampton.[2] At last the archbishop of Canterbury intervened. On February 6, 1487, he cited Thomas Sudbury and William Brecknock to appear before him at Lambeth within fifteen days.[3] The archbishop had heard that owing to the continual quarrels between them religious life was abandoned, divine worship was almost entirely neglected, the monks were going about armed and leading dissolute lives. The archbishop's commissaries reported that Sudbury was willing to appear, but Brecknock was in hiding and they could not cite him personally. On February 27 the archbishop instructed them to try again to serve Brecknock with a personal summons, if they could approach him in safety ; if not, to put a notice on the doors of the monastery or of the priory church, or the nearest parish church, or notify his neighbours and friends, or take any means to convey the citation to appear before the archbishop within fifteen days. Nevertheless, the scandal continued for three years longer. In 1489 a petition was presented in Parliament on behalf of the monks of Northampton, the king's poor bedesmen.[4]

"On account of the great trouble of late years, the goods

[1] Rot. Pat., 1 Hen. VII, Pt. 2, m. 22 (4).
[2] *Cal. of Letters Patent*, 1485–94, p. 110.
[3] Archiepiscopal Registers of Canterbury, Morton, I, ff. 8, 8v.
[4] *Rolls of Parliament*, VI, p. 4 a 4.

of the monastery, the ornaments of the church, copes, vestments, corporasses, chalices, silver basons, silver images of saints, and all other jewels and plate, the monks' feather beds, coverlets, sheets, diapers, pots and pans"

were gone; and worse still, the future was compromised, for in order to support themselves both the pretended priors had sold annuities and leases and bonds under the common seal of the monastery. The monks petitioned the king that all such annuities, leases and bonds should be void, except such as a commission consisting of the chancellor of England, the Privy Seal, the bishop of Lincoln, and one of the chief judges, or any three of them, should order to be good and reasonable. The petition was granted and the monks took steps to get a confirmation entered on the patent roll.[1]

On February 16, 1490, Thomas Sudbury appeared before the archbishop's consistory court in the great chapel of the manor of Lambeth and read the following document which he had secured from his rival:

"I, William Brecknock, professed monk of the priory of St. Andrew, Northampton, for certain true and legitimate reasons wish to be relieved of the government of the priory, and whatever right I have had or have in the said priory, I resign into your hands as judge and delegate of the apostolic see, not in fear or by craft, nor under compulsion, but absolutely of my own free will. I swear on the Gospels that I will never go back on my resignation."[2]

After reading this document Thomas Sudbury made a request to be admitted as prior of Northampton, and the archbishop granted it.[3] But his new rule was short. On January 19, 1492, the king signified his assent to the election of Thomas Roche, monk of Northampton, and it was confirmed by the archbishop of Canterbury as visitor and

[1] *Cal. of Letters Patent*, 1485–94, p. 300.
[2] Archiepiscopal Registers of Canterbury, Morton, I, f. 29.
[3] *Ibid.*

reformer of exempt monasteries in the province of Canterbury and judge delegate of the apostolic see.[1]

Wenlock had suffered less than Northampton, but the monks were determined to gain the independence which Lewes already enjoyed. In 1494 they secured a papal bull releasing them from all dependence on Cluny or La Charité, and giving them freedom of election.[2]

At the end of the fifteenth century many of the links which bound the English Cluniac monasteries to the mother-houses in France had been snapped, and the organisation of the English province was broken in pieces. By the request of Henry VII, on March 6, 1490, Pope Innocent VIII gave the archbishop of Canterbury power to visit, correct and reform all exempt monasteries, and among them those of the Order of Cluny.[3]

[1] *Cal. of Letters Patent*, 1485–94, p. 373.

[2] Register of Wenlock, ff. 47–48. I wish to express my grateful thanks to Lord Forester for the loan of this manuscript.

[3] Wilkins, *Concilia*, III, pp. 630–2; cf. p. 619.

APPENDIX I[1]

The Cluniac houses in England and Wales.

(i) Dependent on Cluny:
- Lenton.
- Lewes.
- Montacute.
- Thetford.

(ii) Dependent on La Charité:
- Bermondsey.
- Daventry, until it became an independent Benedictine house *circa* 1231.
- Northampton (St. Andrew's).
- Pontefract.
- Wenlock.

(iii) Dependent on St. Martin-des-Champs:
- Barnstaple.
- Exeter (St. James).
- St. Clears.

(iv) Dependent on Ste. Foy de Longueville:
- Newington Longeville.
- Witchingham.

(v) Dependent on Lenton:
- Kersall.

(vi) Dependent on Lewes:
- Castle Acre.
- Clifford.
- Farley.
- Monks Horton.
- Prittlewell.
- Stanesgate.

[1] L. Guilloreau, "Les Prieurés Anglais de l'Ordre de Cluny," *Congrès du Millénaire de Cluny* (Académie de Mâcon, 1910), I, p. 291–373; and *Revue Mabillon*, viii, pp. 1–42, 159–88.

(vii) Dependent on Montacute :
Carswell.
East Holme.
Malpas.
St. Cadix.

(viii) Dependent on Thetford :
Little Horkesley.
Wangford.

(ix) Dependent on Bermondsey :
Derby (St. James).

(x) Dependent on Pontefract :
Monk Bretton, until it became an independent Benedictine monastery *circa* 1279.

(xi) Dependent on Wenlock :
Dudley (St. James).
Preen.
St. Helens, Isle of Wight.

(xii) Dependent on Castle Acre :
Bromholm.
Mendham.
Slevesholm.
Normansburgh.

APPENDIX II

COUNTIES of England and Wales in which Cluniac houses were situated:

Buckinghamshire	Newington Longeville.
Carmarthenshire	St. Clears.
Cornwall	St. Cadix.
Derbyshire	St. James, Derby.
Devonshire	Barnstaple.
,,	Carswell.
,,	St. James, Exeter.
Dorset	East Holme.
Essex	Little Horkesley.
,,	Prittlewell.
,,	Stanesgate.
Hampshire	St. Helens, Isle of Wight.
Herefordshire	Clifford.
Kent	Monks Horton.
Lancashire	Kersall.
Monmouthshire	Malpas.
Norfolk	Bromholm.
,,	Castle Acre.
,,	Normansburgh.
,,	Slevesholm.
,,	Thetford.
,,	Witchingham.
Northamptonshire	Daventry.[1]
,,	St. Andrew's, Northampton.
Nottinghamshire	Lenton.
Shropshire	Preen.
,,	Wenlock.
Somerset	Montacute.

[1] Became Benedictine in the thirteenth century, cf. p. 121, note 6.

Suffolk	Mendham.
,,	Wangford.
Surrey	Bermondsey.
Sussex	Lewes.
Wiltshire	Farley.
Worcestershire	Dudley.
Yorkshire	Monk Bretton.[1]
,,	Pontefract.

There was a Cluniac nunnery at Delapré, Northampton.

[1] *V.C.H., Yorkshire*, III, pp. 91–93.

A REPLY TO MR. F. W. BUCKLER'S *THE POLITICAL THEORY OF THE INDIAN MUTINY*

By Douglas Dewar, I.C.S., and Prof. H. L. Garrett, M.A., I.E.S.

Read 8 *November*, 1923

Mr. F. W. Buckler has put forth a theory to account for the Indian Mutiny, or, rather, has unearthed and elevated to the dignity of an hypothesis an assertion made by some of the mutineers at the time of the Mutiny, namely, that the East India Company rebelled against the King of Delhi and that the native soldiers were in duty bound to rally round him against the rebel Company.

This assertion was repeated most industriously by some of the mutineer leaders, but it was believed by no one, not even by those who asserted it most vociferously, because, not only was there not a tittle of evidence forthcoming in support of it, but every fact told overwhelmingly against it.

So little was thought of the assertion that no one seems to have taken it seriously. Few of the historians of the Mutiny deemed it worth while to mention the assertion, much less to contradict or refute it.

Time has passed. The men who took part in the fighting are now dead. Hence what was derided as an absurdity in 1857 may perhaps to-day appear quite plausible. Before dealing with Mr. Buckler's theory, we may inspect the foundations on which it rests. The evidence which he adduces is remarkably meagre. It amounts to quibbles over the phraseology of a few documents, some expressions of opinion by Sir John Kaye and the assertions of a Frenchman, who naturally was not pleased to see the British occupying a situation in India which his countrymen

might have held had they but exchanged temperament with their successful rivals!

Mr. Buckler's essay contains so many questionable statements that the discussion of each one of them would result in the present paper attaining undue length; we therefore propose to confine ourselves to the main thesis. In dealing with this we shall have occasion to notice some of Mr. Buckler's subsidiary assertions.

The case for the East India Company must rest on its own strength and not on the weakness of that of its opponents. It is based on a number of official documents—mainly dispatches between the Company and its successive Governors-General and between the Governors-General and their subordinates and the Kings of Delhi. Many of these documents are deposited in the record room of the Government of the Punjab, and to these records we have had access. The evidence which is set forth is taken largely from such records, all of which have been listed in printed Press lists, and some of which have been printed *in extenso*.

These records date from the capture of Delhi by Lord Lake in 1803.

The relevant facts prior to that date may be thus summarised. The Mogul Empire as a working machine ceased to exist on the murder of Alamgir II in 1759. It is true that on the decease of Alamgir, his son, Shah Alam, assumed the title of Emperor, but the latter was at the time a fugitive in Oudh, and at no period subsequently—not even during the Mutiny in 1857—was the head of the House of Timur his own master, much less a sovereign.

Shah Alam exchanged the protection of the Nawab Vizier of Oudh for that of the British Government. The latter certainly recognised him as Emperor in 1765, accepted the Diwani of Bengal from him, paid him for this a tribute of 26 lacs of rupees a year and afforded him an asylum. In 1771 Shah Alam broke with the Company and placed

himself under the protection of the Mahratta chief, Mahadaji Sindia. To quote Forster:

"The Emperor Shah Alam, after enjoying a quiet and splendid retreat at Allahabad by the generosity of the Company since the year 1765, proceeded in 1771 to his capital, sacrificing substantial benefit for imaginary empire."

The unfortunate Shah Alam was not permitted to enjoy even his empty title of Emperor in peace. On July 26, 1788, he was dethroned by the Rohilla chief, Ghulam Kadir, who, fifteen days later, gouged out with a dagger the eyes of the miserable Emperor. Shah Alam was later restored by the Mahrattas to the nominal throne at Delhi. Here he was found by Lord Lake after the capture of the city in 1803, when the Punjab Government records take up the story. Lord Lake found Shah Alam in the palace at Delhi, and thus describes the plight of the miserable and helpless monarch:

"Oppressed by the accumulated calamities of old age and degraded authority, extreme poverty and loss of sight, seated under a small tattered canopy, the remnant of his royal state, with every external appearance of the misery of his situation."

As Shah Alam was nominally an Emperor, Lord Lake rendered homage to him.

The Governor-General, Wellesley, had to decide what attitude he should adopt towards the powerless Emperor. This required some thought. Shah Alam had no kind of right against, or claim on, the British, since he had left their protection and thrown in his lot with their enemies. This being so, the natural thing for Wellesley to do would seem to be to depose the blind old man.

Sir John Kaye, however, does not take this view. He writes:

"The 'great game' of Lord Wellesley embraced nothing so stupendous as the usurpation of the Imperial throne."

We are not prepared to say whether or not this assertion is correct. It may be that Wellesley, in common with

others, did not fully appreciate the marvellous change that had taken place in the course of a few years, a change which had converted the Company from a collection of traders into the paramount power in India. The Company did not usurp this power. It was thrust upon the unwilling Company. The Mogul Empire had vanished. There was no power except the British (or in the absence of the British the French) in a position to assume the burden of empire, to raise up a new empire over the ruins of the old. The Company suddenly found itself master of India without any effort on its part.

It matters not whether Wellesley did, or did not, fully appreciate the wonderful transformation that had taken place. Wellesley cannot have failed to perceive that, had he deposed Shah Alam, there was no power in India in a position to make him repent of the act. Wellesley, however, was not his own master; he was the servant of the East India Company, and it was his duty to act in accordance with what he knew to be their wishes.

The Honourable East India Company was a body of merchants who wanted dividends and not glory nor even sovereignty. They had repeatedly shown displeasure at the way in which their servants had been compelled by force of circumstance to meddle in local politics, take part in the quarrels of others and even assume territorial sovereignty and the government of provinces. This knowledge was certainly sufficient to deter Wellesley from formally deposing Shah Alam.

What Wellesley did was to take the helpless old Shah Alam under his protection. This is not Mr. Buckler's view. He asserts that Wellesley played a double game, and said one thing to Shah Alam and another to the Court of Directors.

In Mr. Buckler's words, Wellesley "professed to proclaim a protectorate while he merely offered a vassal's protection to his lord." We challenge this statement, and

will support our challenge by quoting the actual words used by Wellesley.

In a dispatch dated July 13, 1804, Wellesley wrote to his masters in England :

" The deliverance of the Emperor Shah Alam from the control of the French power established in the North-West quarter of Hindustan, by which the Government of France has been deprived of a powerful instrument in the eventual prosecution of its hostile designs against the British Government in India, and the British Government has obtained a favourable opportunity of conciliating the confidence and securing the applause of surrounding states by providing a safe and tranquil asylum for the declining age of that venerable and unfortunate monarch, and a suitable maintenance for his numerous and distressed family."

Again, nearly a year later, namely on June 2, 1805, Wellesley wrote to the Secret Committee of the Court of Directors :

" It has never been in the contemplation of this Government to derive from the charge of protecting his Majesty the privilege of employing the Royal Prerogative as an instrument of establishing any control or ascendancy over the States and Chieftains of India, or of asserting on the part of his Majesty any of the claims which, in his capacity of Emperor of Hindustan, his Majesty may be considered to possess upon the provinces originally composing the Mughal Empire. The benefits which the Governor-General in Council expected to derive from placing the King of Delhi and the Royal Family under the protection of the British Government, are to be traced in the statement contained in our despatch to your Honourable Committee of the 13th July, 1804."

As to what Wellesley said to Shah Alam, we will quote from his letter of July 28, 1805, to the King, since this passage was referred to by Shah Alam's grandson, Bahadur Shah, in a complaint made to the Governor-General regarding the way in which he was being treated. Wellesley's actual words were :

" The solicitude which I expressed in the address to which

Your Majesty is pleased to refer for the future comfort of Your Majesty and the Royal Family has never ceased to influence my mind and I confidently hope that the personal respect and attention which under my special direction and authority have been manifested toward Your Majesty have afforded you that effectual relief which Your Majesty expected from the justice, liberality and duty of the British Government."

There is, we submit, nothing inconsistent between Wellesley's words to the Secret Committee and those to Shah Alam. The above passages disprove Mr. Buckler's assertion that Wellesley "professed to proclaim a protectorate, while he merely offered a vassal's protection to his lord."

It will be noticed that Wellesley, when addressing Shah Alam, uses the words of a man having authority, a man who is conferring a favour: "Under my special direction and authority" you are to be well treated. A vassal does not mete out justice and liberality to his lord.

Wellesley's declaration to Shah Alam merely represented his personal views regarding the position of the King of Delhi. They were liable to be modified by the authorities at home; nor were they necessarily binding (except under the direct orders of the Company) on Wellesley's successors.

The more the latter looked upon the relative positions of the powerful Governor-General and the feeble old King, the more absurd did it seem that the Governor-General should regard the King of Delhi as even a nominal superior. The Marquis of Hastings could not bring himself to do so, hence in 1813 he informed the King he could meet him only as an equal. To this the King would not agree; in consequence the Marquis of Hastings, when in the vicinity of Delhi, refused to pay him a visit.

Meanwhile there had been discussion between the Court of Directors and the Governor-General regarding the status of the King of Delhi. As the result of the discussion the Court of Directors wrote a letter dated September 4, 1811. This is a most important document, nevertheless

neither Sir John Kaye nor Mr. Buckler quotes it. The former was presumably aware of the existence of the dispatch. This neglect and the importance of the letter are, we deem, sufficient grounds to justify the long quotation that follows :

Para. 198. Having in our dispatches of the 17th August 1808, 28th June and 15th September 1809, repeatedly signified our approbation of the resistance which had been from time to time opposed to the unreasonable pretensions of the King of Delhi, and expressed our opinion in regard to the relations subsisting between His Majesty and the British Government, we have little to add on that subject.

199. We conceive that our power in India is at this day of a character too substantive to require that we should resort to the hazardous expedient of endeavouring to add to its stability by borrowing from the King of Delhi any portion of authority which we are competent to exercise in our own name. True policy prescribes that we should rest satisfied with the degree of respect, submission and attachment which our strength and skill in arms, our wisdom and beneficence in governing may procure for us. Our pre-eminence over the Native States in these qualities is, we trust, sufficiently conspicuous and acknowledged. If therefore it is unnecessary to derive from the King of Delhi, any additional title to the Allegiance of our Indian subjects, we cannot be disposed to permit any attempts on his part to withdraw their obedience from their actual superiors, and to convert this nominal into a real supremacy. The course which appears to us the most proper to be pursued, and which has in fact been hitherto pursued with respect to His Majesty the King of Delhi, is to leave his authority in the state in which we found it, and to afford the Royal Family the means of subsisting not merely in a state of comfort, but of decent splendour not unsuitable to the descendants of a fallen but illustrious House, to whose power we have in a great measure succeeded.

200. In accordance with the sentiments expressed at the conclusion of the preceding paragraph, and after an attentive perusal and consideration of the Governor General's Minute of the 6th June 1809, and the Minutes of Messers Lumsden and Colebrooke referred to in the paragraphs before us, we have to signify our approbation of your determination to augment the stipends of the Royal Family at Delhi from Rs. 9,57,600 per

annum, to twelve Lacs of Rupees per annum. We are aware that at a former period circumstances were stated which led to a conclusion that the sum of Rs. 10,90,000 might be deemed amply sufficient for every purpose of comfortable subsistence and proper state, but a perusal of the letter from the Resident at Delhi, of the 13th April 1809, describing the embarrassments to which the Royal Family were exposed by the inadequate amount of the sum appropriated for their support, and of the beforementioned Minute of the Governor General in consequence, has convinced us of the propriety and necessity of the proposed augmentation. In the able, and comprehensive view which has been taken of this subject by the Governor General, His Lordship has shewn that, exclusive of the actual necessity of the Royal Family, the faith of our Government having been pledged by Lord Wellesley in 1805, to make a more suitable provision for the Royal Family when " the immediate " exigencies of the War in " which the British Government had been engaged in Hindostan," should cease to press upon their finances, the proposed augmentation could not in strict justice have been any longer withheld, and we admit that under all the circumstances of the case the period had arrived at which it became incumbent upon you to fulfil the promise made by Lord Wellesley, on the part of the British Government.

201. We highly approve of your having instructed the Resident at Delhi in communicating to the King the arrangement which you had made in his favour to avail himself of that opportunity of conveying to His Majesty a full and candid exposition of the real nature of his situation and of his relation to the British Power with the view of permanently repressing those pretensions which His Majesty had unadvisedly brought forward.

202. We also approve of your having directed the Resident to effect the removal of the Guard of Honour attending the Mirza Jhanger, His Majesty's third son, and for suppressing other irregularities in the conduct of that Prince. We are advised by a Letter from the Governor General, dated at Fort St. George the 21st October 1809, that the contumacious behaviour of Mirza Jhanger afforded the opportunity and suggested the expediency of re-occupying the Palace Gates by British Troops, that, the execution of that measure having been opposed by the Prince at the head of his turbulent followers, an affray ensued which terminated in the loss of some lives on the side of the Prince,

and the seizure of his Person, that perfect tranquility succeeded this event, and that the Prince had been removed to the fortress of Allahabad. Much as we regret such an occurrence, we trust that it will have a salutary effect on the mind of the King of Delhi and have tended to correct his unreasonable partiality for a youth who appears from the Resident's Report, to have made a most undutiful return for the fondness of Royal Parents.

203. We shall be happy to find that the King of Delhi has relinquished his intention of appointing Mirza Jhanger Heir Apparent to his Throne, and we deem it probable that the distinct declaration which you have made to Akbar Shah that the British Government will not acknowledge in that character any other person than His Majesty's eldest son, added to the judicious intimations of your readiness to confer on the eldest son the allowance of Rs. 7,000 per month formerly enjoyed by the Heir Apparent, whenever the appointment shall take place, will have induced His Majesty no longer to withhold from his eldest son the distinction to which he is justly entitled.

204. The arrangements described in your dispatch of 27th December 1809, for preventing peculations among some of the officers of the Royal Household, and for providing for the just appropriation the augmented stipend to the purpose for which it is intended appear to have been very proper, and we hope they will ensure to the numerous members of the Royal Family a reasonable participation in the grant which you have made to His Majesty.

205. We trust that our ready acquiescence in the augmentation that has been proposed to His Majesty's stipend, though attended with a considerable expense to the Company, will be received as an unequivocal proof of the sincerity of our decision to promote the comfort and happiness of the Royal Family, descendants of the illustrious House of Timur.

That the above sentiments were duly communicated to the King, and were not in any way toned down in the communication, we have ample evidence afforded by a letter of the King of Delhi, dated February 23, 1829, addressed to His Majesty King George IV. In this letter the King of Delhi complains that he is not receiving all the stipend to which he is entitled, inasmuch as his officers are not allowed to see the accounts of the domain set aside

for his maintenance. This document contains several admissions fatal to Mr. Buckler's theory:

"In the plenitude of Your Majesty's greatness, even a small portion of your Majesty's subjects are permitted to exercise the government of these vast and populous territories which it was the glory of many of my ancestors to rule in person, but I also remember that these very subjects, although elevated to the dignity of an empire, are still amenable to Your Majesty for every part of their conduct and I therefore confidently rely that Your Majesty will not permit them wantonly to violate the solemn engagements of their faith and honour pledged to the once dread and illustrious but now powerless House of Timur."

The King of Delhi further speaks in this letter of "my fallen House," and says that the notification of an increase of his stipend in 1809 was

"accompanied by an insulting intimation that the sovereignty I possess is only nominal and that the Governor General's recognition of it is merely complimentary. Does then the complimentary recognition of a nominal sovereingnty authorise or justify the arbitrary infringement of direct and positive obligations, or denude myself and family of the common rights of man and society? Because the Governor General in Council condescends to recognise in me an empty title, is it therefore that the solemn faith of the British Nation and Government may be wantonly broken? Do I become less entitled to the performance of the contract that has been entered into with my family, because my ancestors were great and powerful and I am feeble and helpless, held down by those who make my weakness and degradation the excuse for their injustice? I cherish the confident persuasion that Your Majesty will not sanction the principle that in my case a national contract ought not or need not to be fulfilled, because I am powerless to enforce its obligation. What king or subject will avow such a principle except in India and the injured and unhappy House of Timur?"

In the course of this letter the King of Delhi uses such expressions as "the permanence of the British rule in India," and "Your Majesty's acquired subjects, once among those of my ancestors." As regards himself he is "bereaft

of power of dictating terms or effectually resenting their violation," the "wretched descendent" of his ancestors and the sole representative of their dynasty, "compelled to drag on a dependent existence in a dilapidated palace . . . with means utterly inadequate to support the dignity even of a nominal sovereignty." Finally, he says that his letter is written "not only for Your Majesty but to the world at large."

The phraseology of the above letter, in which Akbar Shah complains, not of High Treason, but of breach of contract and incivility, demonstrates the inaccuracy of Mr. Buckler's statement:

> "The Governors-General subsequent to Wellesley pursued a policy towards the Mughal Emperor which to him could appear in no other light than that of high treason."

Further, while Mr. Buckler speaks of the Company "arrogating the title of the British Government in India," Akbar Shah admits unreservedly that the British are the rulers of territories over which some of his ancestors once ruled and that the subjects of King George IV are now elevated to the dignity of an empire in India.

The wording of Akbar Shah's whining petition to King George IV is utterly inconsistent with Mr. Buckler's assertion,

> "the source of the Company's government in India lay not in the charters of the King of England, nor in the Acts of the British Parliament, nor in the sword, but in the *firmans* of the Mogal Emperor."

This astounding statement of Mr. Buckler's can, we think, only mean that the Company depended for its hold on India solely on the will of the Mogal Emperor, that the Company was in India only on the Emperor's licence, because he liked having the Company in his country, and that he could at any time revoke the licence and turn the British out of India.

Let us see where Mr. Buckler's assertion leads us.

If Akbar Shah was in fact the Mogal Emperor, he had but to issue an order to compel the British to leave India. No such order was issued by Akbar Shah. His failure to issue such an order must have been due to one of two reasons: either he was not the Mogal Emperor, or he was so happy and contented that he declined to give the Company notice to quit.

Is the latter the correct reason? We have no hesitation in answering in the negative. Mr. Buckler declares that the King of Delhi can have regarded the acts of the various Governors-General in no other light than that of high treason. The letter quoted above shows that Akbar Shah considered, or affected to consider, himself aggrieved by the Company's servants. The fact is that no one knew better than Akbar Shah his utter helplessness and impotence. He was living on the charity of the Company. Legally he had no right to the Company's bounty, because the offer of this by Wellesley was neither under seal nor supported by legal consideration.

There could be no shadow of doubt in Akbar Shah's mind that he was not the Mogal Emperor. This is equally true of Bahadur Shah. We have, we submit, adduced sufficient documentary evidence, consisting in part of admissions made by the King, to prove that

(1) Not only the East India Company, but its Governor-General, as soon as they had time to give consideration to their position relative to that of Shah Alam, at once saw the absurdity of his posing as their superior or over-lord.

(2) Having come to this conclusion, they lost no time in making it exceedingly plain to the King of Delhi (*a*) that they did not derive from him their title to rule India, nor (*b*) were they disposed to attempt to add to the stability of their power by borrowing anything from him; in other words, they did not want to borrow any quantity of a commodity of which they already possessed a supply more than sufficient for their needs. (*c*) That they considered the King of Delhi to be their subject. Akbar Shah and

Bahadur Shah, the son and grandson of Shah Alam, both signified in writing their acceptance of the third of the above propositions.

We have now to prove that the Company was as good as its word, that in all its actions which in any way affected the King of Delhi, they treated the latter as a mere pensioner or rather a fallen prince living on the bounty of the Company.

As regards the relations between the East India Company and other Asiatic Powers, there is no lack of documentary evidence that when the Company made treaties the King of Delhi was completely ignored and mention was never made of a "Mogal Empire."

In 1809 Maharaja Ranjit Singh, the Sikh ruler of the Punjab, concluded with the British a treaty of friendship and alliance. Neither in this treaty nor in the later one made with the Sikhs by Lord Hardinge is the King of Delhi mentioned. As early as 1809 the King of Delhi was of no account.

Still stronger proof of the fact that this personage was a nonentity in the political world is afforded by the relations between the Governor-General and Nepal in the years 1814 and 1815.

In the Proclamation by the British Government against Nepal, which was issued at Lucknow on November 1, 1814, there is no mention of the King of Delhi. This Proclamation contains such expressions as

"The British Government having been compelled to take up arms against the Nepalese, His Excellency the Right Honourable the Governor General has judged it proper to make known to the powers in alliance and friendship with the Honourable Company, etc."

and

"The course of the Ghoorka conquests having approximated their frontier to that of the Honourable Company and its ally, the Nawaub Vizier, and the protected Sikh Chieftains, throughout an extent of country stretching from the eastern border of the Morung to the banks of the Sutlej, etc."

Notice that the Proclamation recognises only three kinds of territory: British, Oudh, and Sikh.

Again, the Proclamation speaks of "the subjects of the Company on the frontier of Sarum" and of "the British Government having been compelled to take up arms in defence of its rights, its interests and its honour." This Proclamation makes it perfectly plain that the British claimed the sovereignty of British India and did not recognise in the nominal King of Delhi anyone more than a political pensioner of the Company. If it be urged that it is one thing to claim sovereignty and another to secure the recognition of that sovereignty by independent states, we have abundant evidence that the Nepalese recognised the British sovereignty, not only in concluding a treaty with the British Government, but in a letter addressed to the Emperor of China which was not intended to be seen by British eyes. A translation of the letter in question is given in the Appendix to James Baillie Fraser's *Journal of a Tour through part of the Snowy Range of the Himala Mountains*, published in 1820. The letter was written early in 1815; in it the Raja of Nepal asks the Emperor of China for help against the British. In the course of this letter the Raja says: "The enemy has subjugated all the rajas of the plains, and usurped the throne of the King of Delhi." "I cannot," writes the Raja, "repulse the English . . . these are the people who have already subdued all India, and usurped the throne of Delhi." These statements, we must remember, were made before Nepal had lost the war. They clearly show that the Raja of Nepal then recognised that the King of Delhi was no longer Emperor, and that the British Empire had replaced that of the Moguls.

Then there is the Treaty of Peace, dated December 3, 1815, "between the Honourable East India Company and Maharaja Bikram Sah, Raja of Nepal." The following articles of the treaty are relevant to the subject of this paper:

Article I :

" There shall be perpetual peace and friendship between the Honourable East India Company and the Raja of Nepal."

Article II :

" The Raja of Nepal renounces all claim to the lands which were the subject of discussion between the two states before the war, and acknowledges the right of the Honourable Company to the sovereignty of these lands."

Article III :

" The Raja of Nepal hereby cedes to the Honourable the East India Company, in perpetuity, all the undermentioned territories . . . "

A third instance is the elevation by the British in 1817 of the Nawab Vizir of Oudh to the dignity of King. We venture to submit that, even in the palmiest days of feudalism, there is no case of one vassal making another vassal a king without reference to their overlord!

Sir Henry Lawrence remarked on this transaction: " The Nawab was encouraged to assume the title of King: Lord Hastings calculated on this exciting a rivalry between the Oudh and Delhi families." The British regarded both the Nawab of Oudh and the King of Delhi as their subjects, (as in fact they were), and considered that they had the right to enhance the dignity of the one and lower that of the other if they saw good cause for so doing.

Let us now consider whether the relations of the Company with the successive Kings of Delhi were calculated to make any of them believe that the Company was their vassal.

We have already seen how Wellesley (before he had time to consult his masters) told Shah Alam that he would take him under his protection and make him an allowance sufficient to maintain him in comfort and dignity. The poor old man did not long enjoy his pension. The Resident at Delhi, Archibald Seton, informs us that after November

10, 1806, Shah Alam was mentioned at Court as "Ferdous Manzill" or "The arrived in Paradise."

We have already dealt to some extent with the attitude of the Governor-General towards Akbar Shah, Shah Alam's successor, and of Akbar Shah's complaint, addressed in 1829 to H.M. King George IV. The Governor-General-in-Council lost no time in informing the Akbar Shah of

> "their astonishment at the unfounded and unmeasured accusation against the Honourable Company of having violated the engagements with the royal family."

Nevertheless, Akbar Shah's letter resulted, four years later, in the Court of Directors authorising the augmentation of the King's stipend from twelve to fifteen lacs of rupees a year, provided the King gave a written admission that, first, he accepted this "in full satisfaction of the claims which the royal family may be supposed to possess," and secondly, he agreed to the setting aside of a portion of the stipend for the repairs of the palace. The King at first declined to give the required acknowledgment, but later changed his mind, accepted the offer unconditionally, and asked for the payment of arrears. The Court, in their dispatch dated September 27, 1837, declined to allow arrears, but said that the increased stipend might be paid from the date of acceptance. Akbar Shah died on September 28, 1837, so never received the additional stipend. It was offered to his successor, Bahadur Shah II, who, in the typical Oriental manner, started trying to bargain.

On February 20, 1838, he put forward ten requests, none of which were granted. These relate to various claims laid by his father which had been disallowed. We need here consider only number six, namely, that he be permitted to send a congratulatory letter to the Queen of England on her accession to the throne. The Governor-General's reply to this request was that the measure proposed being novel and unprecedented, it would be necessary to refer the point to Her Majesty's Ministers in England.

Eventually Bahadur Shah gave way, as his father had always done, and, on October 31, 1843, accepted unreservedly the increase of his stipend on the conditions laid down by the Court of Directors.

Among the prerogatives of an Oriental sovereign are those of conferring titles on their subjects and presenting them with *khillats*, or robes of honour, coining money bearing the King's superscription, and receiving *nazars* from his subjects.

Let us see how far the King of Delhi was permitted by the Company to exercise these prerogatives.

On February 1, 1828, the Secretary to the Government wrote a letter to the Resident at Delhi, in which occurs the following paragraph :

"The Chiefs and Nobles of the Delhi Province receive their Titles and *khillats* of investiture from the Honourable Company's Government, which exercises the sovereignty of the British Possessions in India by delegation from the Crown of Great Britain, and the British Government does not recognise the right of the Throne of Delhi to confer honorary distinctions on any but the Royal servants."

This order was duly communicated to the King and was quoted by him in 1832. In 1835 the King of Delhi bestowed a title on Mr. Simon Fraser, the officiating Magistrate of Delhi, in testimony of His Majesty's approbation of the public conduct of that gentleman in the investigation of the murder of the late Resident—Mr. William Fraser. Whereupon the Government instructed the Agent to the Governor-General

"peremptorily to interdict the receipt in future of titles from His Majesty by any of the officers of the British Government."

When Sir Henry Fane, the Commander-in-Chief, visited the King in 1838, the latter bestowed some titles on him. Explanations were called for and Fane stated that he did not know the rule, and it had not been explained

to him owing to the fact that the Resident was absent from Delhi. The King was reprimanded.

The restrictions regarding the grant of titles imposed on the King received the sanction of the Court of Directors, who wrote in their dispatch, dated May 1, 1835:

"We approve of your determination to enforce the prohibition against the grant of titles by the King of Delhi to any persons except members of his own household, especially as the king or his officers have manifested a disposition to make the grant of such titles an article of traffic. A title having, notwithstanding your prohibition, been conferred upon the Chief of Patun, a feudatory of the Raja of Jaipur, you very properly required that the title should be abrogated and the *khillat* which accompanied the grant be returned to His Majesty."

Every one conversant with the manners and customs of Orientals knows full well that it is not possible to offer a greater insult than to return a present. This act of the Company lowered the prestige of the King to an inestimable extent, and showed conclusively to the people that he was a king only in name, if such a sign were needed.

So far as we have been able to discover, the King never attempted to break the rule regarding titles after the occasion on which he had conferred one, or rather several, on Sir Henry Fane.

The letter of the Court of Directors just quoted contains the following passage:

"The *vakils* of native chiefs certainly ought not to be received at the King's court without the sanction of the Governor General's Agent, and we approve of your having directed the Agent to enforce that restriction, which seems to have been of late disregarded."

In this connection it may be mentioned that, on March 2, 1853, the Governor-General declined to grant the King's request to appoint a *vakil* (agent) to remain in attendance on the Governor-General. Thus the King was permitted neither to receive emissaries from other chiefs, nor to send out his own *vakils*.

The King never left the vicinity of Delhi, and when in March, 1837, Akbar Shah requested permission to leave Delhi to visit certain places, the Resident was told to discourage the King on the grounds of general inconvenience. He did not make the journey.

The Court of Directors, in their dispatch dated October 1, 1832, approved of an order passed by the Governor-General in the previous March to the effect that the Princes of the Royal Family were entitled to no distinction whatever when travelling over the country. Nor could they obtain permission to leave Delhi except on the distinct understanding that they travelled as private individuals in abandonment of all pretensions to such distinctions.

It may here be noticed that, with effect from the year 1834, the King in his letters to the Resident at Delhi ceased to speak of his stipend as tribute (*peshkas*). On the abolition of the Mint at Delhi in 1835, coin ceased to be struck in the King's name, and when he applied for permission to coin money again, later on, it was refused.

The last of the external signs of kingship lost by the King was that of the presentation of *nazars* by those who visited him. Originally the Governor-General presented a *nazar* of Rs. 101 to the King on four occasions yearly, and the Resident presented one of Rs. 21. In 1828 the Resident, Sir Edward Colebrooke, began to give one *nazar* of Rs. 122 in place of the two. In 1830 the Resident, Mr. Hawkins, suggested that the time had come for the abrogation of the practice of giving *nazars*, but the Governor-General, Lord William Bentinck, refused to sanction this proposal.

In 1843 Lord Ellenborough, learning with astonishment when he was at Delhi that the Company's officers presented *nazars*, gave orders, which were communicated to the Resident in a letter dated February 26, 1843, forbidding entirely the practice of giving *nazars*. The King wrote two letters of protest, dated respectively March 26 and May 5, 1843. In the first letter he describes Lord Ellenborough's order as a breach of treaty engagements

with Shah Alam, and describes Lord Ellenborough as "the highest paramount power in India."

"For the space of forty years," he writes, "God Almighty has placed the hope of our comfort and prosperity under the wholesome and happy control of the Government of Great Britain."

He adds: "As you hold the reins of government, I am anxious that you may render our condition prosperous." These are not the words of a king to his vassal. In the course of the second letter the King says that *nazars* are the only dignity by which he is distinguished from the other chiefs of India. In this he was right. The title of King did not distinguish him, as there was a King of Oudh who not only had the title but actually ruled. The King also speaks of "a diminution in the remnant of respect enjoyed by this family."

He states further:

"The comfort of my house and family is now dependent on the good wishes of the Honourable Company," and "Your Lordship wields the administration of all India."

In response to these petitions Lord Ellenborough informed him that, if he accepted the order regarding the abrogation of *nazars*, he would be paid the sum of Rs. 833 a month to compensate him for the loss of money. The King did not at first accept this offer. On May 1, 1844, the Court of Directors wrote:

"Para. 24. It is here reported to us that the Governor General has abolished the practice of presenting Nuzzurs to the King of Delhi on certain occasions in behalf of the British Government, and receiving Khilluts from His Majesty in return.

"25. The Governor General looks upon this practice as inconsistent with the relative positions of the King of Delhi and British Government and characterises it as an 'attempt to preserve the vain image of the past.' In lieu of it he has directed that on the usual occasions an exchange of presents shall take place on equal terms.

"26. It is no doubt in most cases desirable, though it is not

a point to which we attach great importance, to discontinue the employment by the representative of the British Government towards any native Prince of the forms of inferiority, but we should have preferred if, in reference to the feelings of the House of Timoor, this change had been postponed till the occasion of a succession to their nominal Throne, and, if the King should remonstrate on the subject, we are of opinion that the former practice should be conceded to him for his life.

"27. The Governor General has also given directions to the Agent that in the event of the demise of the King of Delhi no step whatever shall be taken which can be construed into a recognition of the descent of that title to a successor, without specific authority from the Governor General. If, in these instructions the abolition of the title be contemplated, we can not give it our sanction until we have heard further from you on the subject, and have had time to consider the purport and the grounds of the recommendation which may be offered."

Despite the sentiments of the Court of Directors, Lord Ellenborough did not rescind his order. He was better acquainted than his masters with the contempt with which the Delhi royal house was regarded in India.

In 1851 the King accepted the offer of Rs. 833 per mensem in lieu of *nazars*: he began to draw this sum with effect from May 1 of that year. He asked to be paid arrears, and so great was his want of money that, in order to get the arrears, he did not hesitate to tell a lie, which was certainly detrimental to his position even as titular King, namely, that he had from the first accepted the offer and had left the money in the Treasury because he did not require it when it fell due! This feeble falsehood gained him nothing. He was not paid the arrears.

Thus, by May 1, 1851, Bahadur Shah had not a single vestige of kingship left to him save the title. He was a king whose subjects were his domestic servants, and even in his dealings with these he was restrained by his masters, the Company.

Again and again did both Akbar Shah and Bahadur Shah admit that the Company was the ruler of India, the

paramount power, the power whose orders they obeyed, the source of all the possessions of the existing members of the House of Timur.

They admitted repeatedly that they did not possess the *sine qua non* of sovereignty in the East—power, and, between them, they relinquished all that remained to them of royal prerogative. They possessed sovereignty neither *de jure* nor *de facto*.

This being so, the third charge against Bahadur Shah in 1857 is proven, namely:

"That he, being a subject to the British Government in India, and not regarding the duty of his allegiance, did at Delhi on May 11, 1857, or thereabouts, as a false traitor against the state, proclaim and declare himself the reigning King and Sovereign of India."

In view of the above facts it is possible to make with certainty a pronouncement on the nature of the British title to suzerainty in relation to the Mogul idea of sovereignty.

We do not know whether any Mogul philosopher ever gave a definition of a sovereign. Had, however, the average man in India been asked in the eighteenth century to define a sovereign, he would probably have compared such a being to the top dog in a dog-fight! Probably the majority of the Emperors of India had used the murdered bodies of their rivals as stepping-stones to the throne.

Before the advent of the British, India was a country where

"a sharp sword and a bold heart supplant the hereditary laws of descent. Kings and Emperors are not safe against members of their own family, much less against their vassals."

The two essential conditions of sovereignty in India were power to enforce obedience to orders and power to collect sufficient land revenue to meet the private needs of the Sovereign, the needs of the army, and incidentally

those of the civil administration. The army, moreover, had to be more or less obedient to the orders of the Sovereign and powerful enough to keep at bay his enemies.

Shah Alam never possessed any of these powers, therefore he was, according to Oriental notions, not a sovereign.

As regards Western notions of sovereignty, Shah Alam's title was questionable. His father, Alamgir I, was placed on the throne by a rebel vizir, who dethroned and blinded the reigning monarch. Later, the same vizir murdered Alamgir, and placed on the imperial *gaddi*, not Shah Alam, but another. The Afghan, Ahmad Shah, having captured Delhi, proclaimed Shah Alam emperor. If Shah Alam had possessed sufficient strength to hold the empire, his title would have been as good as that of most of his predecessors, but he was a powerless fugitive, and so, according to oriental ideas, was not the emperor. The Company, however, chose to recognise him ; but even so, they were no longer under any obligation, moral or legal, to continue this recognition when once he had gone over to their enemies. Warren Hastings was perfectly justified in taxing Shah Alam with both ingratitude and treachery, because, as he wrote to Sir George Colebrooke, Chairman of the Court of Directors, " of all the powers of Hindustan, the English here alone have really acknowledged his authority. They invested him with the royalty he now possesses : they conquered for him and gave him a territory." Had Shah Alam not been treacherous to the Company, their conduct towards his successors would not have been right, judged by western standards of morality, but according to eastern ideas their acts would have been quite in order, since they would merely have been following the time-honoured practice according to which every vassal threw off his allegiance whenever he found himself strong enough to do so. When such a rebellious vassal was overcome by his superior lord, his rebellion was almost invariably condoned on his again promising allegiance.

Before considering the kind of esteem in which the Kings of Delhi were held by people in India, it may be

interesting to try to put ourselves in the place of the Kings of Delhi and endeavour to imagine what their feelings were towards the East India Company after 1803.

Shah Alam must have wondered anxiously what his fate would be when confronted by Lord Lake in 1803. Blind and weak as he was, flight was out of the question, and he could but remain and submit himself to the will of the conquerors of Delhi.

Doubtless Shah Alam's astonishment knew no bounds when those wonderful white men, out of kindness of heart, instead of deposing him, called him King and treated him as though he were actually a monarch in some respects. In his opinion folly could not go further. Why the British should, without any *quid pro quo*, squander on him annually 9 lacs of rupees, must have been utterly incomprehensible to him. That, however, did not matter. Shah Alam was content to take the good things that God had unexpectedly given him. He may have suffered disappointment when later he was told that he was but a titular king. A little reflection, however, would soon mitigate this. He was still on velvet. He could say to himself: "The British are not quite such great fools as I thought them."

In such circumstances he would keep his thoughts to himself, and would, as Shah Alam had the good sense to do, affect indignation and put forth extravagant pretensions. Since the British raj was a *mardin raj*—a female government—as opposed to the masculine type which tramples down ruthlessly all who oppose it without power to defend themselves—since it was a *mardin raj*, the most that could happen would be a curt refusal with perhaps a censure. On the other hand, there was always the chance that some of his demands might be granted, or at any rate gain him more income. This last usually happened. When Shah Alam's successor is offered a larger stipend, but told that the offer is conditional on his admitting that he is a subject of the Company, not even a vassal, but a pensioner with a

courtesy title of king, he admits what are, after all, only facts, but makes the admission with a great show of discontent.

Discontent and the putting forth of pretensions were, indeed, the only means the Kings of Delhi had of obtaining extra money, which became urgently needed as the royal family increased in size. The Kings of Delhi in the nineteenth century were continually in want of money. Fortunately for them, Wellesley had given Shah Alam a number of prerogatives which ill-suited his situation, some of which were likely to be the causes of embarrassment. The Company then became anxious to curtail these, but it was not easy to do so without being high-handed, unless it could get the King to agree to the curtailment. Money was an inducement which the Company could hold out, and as this was the commodity of which the King stood in greatest need, it was comparatively easy to drive a bargain. There was, of course, as usually happens where an Oriental is a party to a bargain, a good deal of haggling. We cannot blame the Kings of Delhi for thus bargaining. They had not a great deal to sell and had no means of replenishing stock once sold ; it was therefore of the greatest importance that they should obtain the highest price possible. That, as we have seen, they overdid the bargaining and thereby lost money must be regarded as their misfortune. Thus did they, in return for increases of stipend, gradually part with the little prerogative allowed to them by the Governor-General in 1804.

So much then for the relations between the Company and the King of Delhi. It now remains to consider in what kind of esteem the King was held by the people, and whether anyone at the time regarded the Mutiny as a rightful act on the part of the sepoys in that they merely supported the Emperor against his disobedient vassal, the Company.

Perhaps the best method of demonstrating the contempt with which the puppet King was generally regarded is to quote the impressions his court made on some of those

who were presented to him. We have already mentioned that, against the orders of the Government, the King conferred titles on Sir Henry Fane, the Commander-in-Chief, on the occasion of his visit in 1838. Fane's nephew, who was his A.D.C., wrote a book entitled *Five Years in India*, in which he pours contempt and ridicule on the old King and his "court." He calls the former a "dirty, miserable old dog." He describes the King's sepoys as "a band to which Hogarth's representation of the 'March to Finchley' would be in comparison splendid."

Less contemptuous than Fane, but equally impressed with the degradation of the King of Delhi, is Charles Stuart Hardinge, who acted as private secretary to his father, Lord Hardinge, when Governor-General of India. C. S. Hardinge writes as follows in his *Recollections of India*, published in 1847:

> "It is sad to contemplate the dilapidated state of what was, some 200 years ago, the capital of the Mogul Emperors. The two objects of interest are the Juma Musjid, the largest Mahommedan mosque in the world, and the Palace of the King, who is now a miserable old man, stripped of all authority, and, in fact, a mere puppet in our hands. The Government allow every form of outward dignity still to be adhered to, and till lately no European officer could visit him without paying him a nuzzur or tribute amounting to £30: a custom which has very properly been discontinued.
>
> "The old King spends his time chiefly in shooting, and the poverty of his family is such that some of his sons may be seen carrying on petty trades in the city for their livelihood. Still he considers himself 'every inch a king,' addresses the political agent in the terms 'slave' and 'infidel,' and talks of 'my Royal Sister of England.'"

Another fact indicating the unimportance of the later Kings of Delhi is that neither Akbar Shah nor Bahadur Shah finds a place in Buckland's *Dictionary of Indian Biography*.

Even more significant is the conduct towards the King of Delhi of the mutineers who came into contact with

him in 1857. When Delhi fell into their hands they did not allow the King to govern. A Council known as the Bara Topi (Twelve Hats), of which the King was not even a member, assumed complete control of affairs. It cannot be urged with any force that this Council appointed itself only because the King was too old to govern. The King's sons were available.

Not only did the mutineers not allow the King to govern; they treated him with contempt. The papers of the King which were seized by the British after the recapture of Delhi are full of what Fanshawe describes as "senile complaints of disrespect and discourtesy" which he suffered from this Council.

The evidence on record seems to justify the assertion that the more closely any person came into contact with the King of Delhi the greater was that person's contempt for the King. Had the various Residents at Delhi, after Seton, had their way, the King would have been deprived of his title early in the nineteenth century.

Fraser gave away to beggars the *khillat* bestowed upon him by the King. This shocked the Government. The Resident and the Governor of Agra regarded the increase of the King's stipend from 12 to 15 lacs as sheer waste of public money. Ellenborough thought fit to abolish *nazars*, a measure the Court of Directors would not have taken. Littler, the military member of Dalhousie's Council, was of opinion that the people of India still regarded the old King with reverence. The civilian, Lowis, who was presumably in a better position to gauge such Indian opinion as existed at the time, did not believe that the Mohammedans cared in the least about either Delhi or the King.

Seeing how proverbially short is the memory of man, it is difficult to believe that anyone outside his relatives cared two straws for the King; indeed, it is improbable that one Indian in a hundred in 1856 knew of the existence of such a person.

As regards the treatment by the British of the King being the cause of the Mutiny, nobody before Mr. Buckler seriously considered this as even a remote cause of the sepoy revolt. Few there are who will not subscribe to the words of the Marquess of Dalhousie, written on July 21, 1857:

"Even if the title had been abolished on the spot, the Mussulmans would not have cared two straws about the family, though they use it now when they find it convenient to their hand."

Lest it be said that the British are biased witnesses, we may give the view of the Nepalese regarding the causes of the Mutiny, which were expressed while the conflict was actually raging. Dr. Oldfield, who was for many years Residency Surgeon at Katmandu, writes on page 25 of the second volume of his *Sketches from Nipal*:

"In conversation with Jang Bahadur, he told me that he considered the 'cartridge question' was a mere pretext and a blind; that the real cause of the Mutiny in the plains was a general feeling of distrust and dissatisfaction at the annexation of Nagpur and Oudh; that all our previous annexations, as Sind, the Punjab and Burma, had been justifiable, having been warranted by some aggression against us on the part of those states. This was not the case with Nagpur and Oudh; they were in friendly alliance with us at the time of their annexation, and did not deserve their fate. Oudh in particular deserved well at our hands, having rendered us assistance in former times when we were in want of money. . . . Oudh was the home of a great part of the sepoys of the Bengal Army, and they all sympathised with its King and his dethronement, and were disgusted at the annexation of their country. As long as Nagpur and Oudh remained independent there were two wealthy native courts—one Hindu and the other Muhammadan—at which discontented or ambitious natives might always hope to find employment. There were now no prizes left in the plains to which an ambitious native could aspire, as, although the British Government gave good pay and good pensions to its soldiery, no sepoy could ever hope to rise to anything above a Subhadar. This was the real ground of the discontent, and the native army hoped that after upsetting our rule and driving the British into the sea, they would be able to establish a native dynasty under which they

might hope for a much larger share of honour and of power than they ever could have obtained under the British rule. He added, of course, they are fools for thinking so, as they will lose much more than they will gain, and at present no native state of any sagacity (mentioning Kashmir, Gwalior, Haiderabad) has joined the mutineers as they have too much confidence in the power of the British ; but if in the course of the next month or six weeks Delhi is not retaken and Lucknow not relieved, and the mutineers thoroughly and severely punished, that confidence will be so shaken that those states will probably take part against the British and the insurrection become general throughout India."

This contemporary opinion has a most important bearing on the subject now under discussion, not only because no mention is made in it of the treatment by the British of the King of Delhi as a cause of the Mutiny, but because the observer considered that all the annexations of Indian territory by the British prior to those of Nagpur and Oudh were justifiable.

Now Shah Alam had done nothing against the British except that he had left their protection. Why, then, did not Jang Bahadur class the annexation of the Mogul Empire by the British along with the annexations of Oudh and Nagpur ? The answer is obvious. It is that the British took nothing from Shah Alam. Shah Alam possessed only an empty title. This the British left to him and added a substantial stipend. The Mogul Empire had long ceased to exist when Lord Lake captured Delhi in 1803. The British saw India without an overlord—a seething mass of warring states. The country was literally going begging. The British had really no option but to assume the overlordship of India or to permit the French to do so.

We venture to think that the facts presented by us here disprove conclusively the assertion of Mr. Buckler that all the writers of modern Indian history have distorted facts in order to make out a case for the East India Company. The Company did not lack enemies. Some of these would certainly have exposed the errors of the historians had these gentlemen been in error.

MR. F. W. BUCKLER'S REPLY.

My critics appear to have modified their paper by the removal of some of their statements to which I took exception, while a certain amount which was unread at the meeting owing to exigencies of time now appears for the first time. The essential features of the reply, however, remain. Their case rests mainly on the assumption that my primary object was to ventilate the grievances of Bahadur Shah II, and for that purpose I have been driven to "so many questionable statements that the discussion of each one of them would result in the present paper attaining undue length." They then proceed to attack my argument concerning the *de jure* source of the Company's *authority* in India by illustrations of its *de facto* power. The latter, I dispute not at all. The former, they do not touch. They fail to see that the greater the *de facto* power of a rebel, in the eyes of his *de jure* suzerain, the greater and more dangerous is the rebel. That the East India Company, as Dīwān of Bengal was able to establish its *de facto* independence of the Suzerain of Bengal by the aid of the British Government, which it pretended to represent, no one in his senses would deny, any more than he would deny the execution of Charles I. The *validity* of the claim *de jure* to independence and to the right of regicide, is no more established by the *fact*, than is the innocence of a solicitor, who has misappropriated trust moneys, by his *successful* disposal of those funds.

My critics, further, have misread my case, which was, first, that the rise of the British in India was marked out by the ordinary course of promotion within the official cadre of the Mughal Empire (that theory, owing to the exigencies of space I was only able to sketch in very meagre outline); secondly, that the *test* for the validity of that theory would lie in the *Proceedings of the Trial of the King of Delhi*. The paper deals with the *test*. My research on the relations between the Mughal Empire and the East

India Company dates back to 1915, when I attempted to determine the status of Oudh, under Sa'ādat 'Alī Khān in relation to Delhi and Calcutta. In 1920, on demobilisation, I took up my work again and it was not until I had completed the main lines of my theory that I looked at the Proceedings of the Trial. I reserved them *as a final test*, and the case my critics must make, in order to disprove my thesis, is that the theory I set out *does not satisfy that test.* This, I submit, they have failed to do, and, further, that any contribution they *have* made to the subject, either by additional evidence or by personal observations, has only strengthened my case.

For example, my critics cite the letter from Akbar Shāh to George IV, dated February 23, 1829. Despite my insistence on the importance of checking the "official" translations of the East India Company, they made no effort to examine the Persian original of the document they cited. Further, they showed their ignorance of Persian by overlooking a glaring mistranslation in the sentence, "although elevated to the dignity of *an* Empire" —the original was clearly *salṭanat* or its equivalent and should be translated "authority" (the Latin equivalent reveals the mistake quite clearly, *ad gradum imperii*). The letter merely states that although publicly the representatives of the East India Company are officials of the Mughal Empire, they have not personally and individually surrendered their private and natural rights to be regarded as subjects of the King of England. The letter substantiates my case to the full, both as regards the status of the East India Company, and as regards the *de jure* basis of Queen Victoria's intervention in 1857. But not only do my critics fail to detect the mistranslation, but fifty lines later, they use this mistake as the foundation of an argument! Further, immediately following the mistake is as clear a charge of *treason* as exists in historical literature. My critics' evidence—much of which I already knew—on

this point I shall use in any future edition of the essay, *in support of* the statement,

> "The Governors-General who succeeded Wellesley assumed an attitude and pursued a policy towards the Mughal Emperor which to him could appear in no other light than that of high treason";

(which my critics appear to be unable to quote faithfully and accurately), as this evidence will be free from any suspicion of *ex parte* selection. For that service I have to thank my critics. So far as "arrogating the title of the British Government" is concerned, all I need to point out is that it was necessary to insert in the Act of Parliament, confirming the Charter in 1813, a declaratory clause insisting on the Company's subjection to the Crown of England. A Company which claims its independence of the British Government as regards its Indian possessions, in 1812 can hardly be regarded as the representative of that Government down to that date. The claim was certainly not regarded as beyond dispute in England.

With the unqualified abuse and contumely of my critics towards the later Mughals I need not concern myself. They are unaware of any Mughal philosopher's "definition of a sovereign." Abū'l-Fazl's Akbarnāma and 'Aīn-i Akbari will satisfy most requirements, while in the Shāh 'Ālam Nāma they will find the eighteenth-century view adequately set out. Professor Sarkar's admirable lectures on *Mughal Administration*, too, may well be commended to their attention, as they are based entirely on Mughal authorities. But, this confession of ignorance, only emphasised by their conjecture, is strange in the light of the reference to Humāyūn both in the *Trial* itself, and in my paper (pp. 82–3 and notes). The Company was in precisely the same position as Bairām Khān; in 1556, Bairām Khān was "the paramount power" (*wakīl-i muṭlaq*) resting on Persian support; three centuries later, the East India Company was "the paramount power," resting on British support

—against the supporters of both these rebel officials the Mughals found their support in the Hindu population—Rajas Todār Mall and Jaswant Singh find their later counterparts in Mahdajī Sindia, Daulat Rāo Sindia, and Nāna Sāhib.[1]

I am (personally) averse from the introduction of ethical complications into historical work, but my critics find occasion to rejoice in the conviction of Bahādur Shāh of telling a lie, and maintain that it did his cause no good. But, they overlook the "lie" on which they base their own case. In Clive's letter dated September 30, 1765, occurs the following paragraph:

"The *allowance* for the support of the Nabob's dignity and power and the *Tribute* to his Majesty must be regularly paid, the Remainder belongs to the Company."[2]

There is no condition that Shāh 'Ālam shall remain "under the Company's protection," the departure to Delhi was not regarded seriously at the time and it is clear from a letter of the following year that the Emperor looked to the Company to restore him to his capital.[3]

These two extracts are sufficient to expose the "lie" of the "pension" and "stipend." . . . The liabilities of the Company on account "of breach of contract" had amounted, in 1803, to fourteen and a half millions sterling, a fact which my critics appear to regard as insignificant. According to Elphinstone the ravages of Nādir Shāh cost the Mughal Emperor only "eight or nine millions sterling."[4]

I have suggested that my critics have failed to read

[1] I have dealt at length both with the political theory of Mughal kingship and with the position of Bairām Khān in a paper entitled "A fresh interpretation of Akbar's 'Infallibility' Decree of 1579," *J.R.A.S.*, October, 1924, pp. 591–605.

[2] I.O., Home Misc. 629, p. 288. The *italics* are mine. Clive made quite clear the difference between "allowance" and "tribute," also the Company's share.

[3] *Ib.*, p. 561. *Letter from Select Committee at Bengal*, 31 January, 1766, para. 24.

[4] Thorn, pp. 43–4. Elphinstone (ed. Cowell), p. 702.

my paper carefully, or to utilise their authorities fairly and critically. I pass over their failure to supply references to facilitate the checking of their results, or to enable readers to judge of the nature of several of the transactions mentioned, e.g. an *application* from the Mughal Emperor, presumably an '*arzdāsht*! They do not mention, moreover, that the blinding of Shāh 'Ālam by Ghulām Qādir need never have taken place but for the betrayal of Sindia's plans by Cornwallis. Sindia had ordered troops to remain in the Doab, and Major Palmer was sent to meet Sindia. When Ghulām Qādir had reached the ghāts of Bareilly, three regiments were sent to watch him, but

> "Lord Cornwallis apprised Gholaum Kader of the intended march of the Detachment, that he might not suspect any unfriendly disposition on the part of the Company unless he should give them provocation."

Ghulām Qādir thanked Cornwallis, and blinded Shāh 'Ālam.[1]

In conclusion, first, I would urge my critics to read W. Edwards' *Reminiscences of a Bengal Civilian*, particularly Chapter XX, which was written in 1859. Space does not allow me to quote any passages, but there they will find full substantiation of all my main contentions in a work of which I made no use in the preparation of my paper—the work, too, of a man beyond the reproach of rebellion. Secondly, Mr. Dewar stated at the meeting that he was "a practical man." He will find, in the following remarks, I think, sufficient to satisfy the severest demands of either his own or his colleague's pragmatism. The present state of affairs in India gives no room for trifling with any serious attempt to determine exactly what has happened in the past. The movements making for unrest in India to-day have their roots in the sixteenth and seventeenth century. The false prominence given to the *de facto* aspect of Indian history from 1765–1857 has ob-

[1] I.O., Home Misc. 556, pp. 101–2.

scured those issues. How far the East India Company wittingly deceived the British public, and how far unwittingly, is a question I am not called upon to answer. That a false impression *was* conveyed, is clear enough, and for the last half-century the British Empire has been reaping an increasing harvest of consequent trouble. The contribution I offer to the settlement of the trouble is a careful diagnosis of the history of the disease, and my critics have produced nothing to touch the validity of my contention that *de jure* the East India Company was the vassal of the Mughal Emperor *down to 1858*; that *de facto* they followed a course of independence which was treason to the Mughal Emperor; that down to 1843 they had disguised their treason, which became more and more unmistakable until it culminated in 1857 in the refusal to recognise his heir's right to succeed. Events appeared to favour the outbreak, Russian and Persian help was expected, but not forthcoming, hence the collapse of the movement when British forces appeared to protect the Company's officials.[1]

[1] For a fuller statement, *v. The Cambridge History of British Foreign Policy*, Vol. II, c. IX, where I have quoted my authorities in full.

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REPORT OF THE COUNCIL SESSION, 1922–1923.

The Council of the Royal Historical Society have the honour of presenting the following Annual Report to the General Meeting of the Fellows :—

The Council must first announce with great regret the deaths during the last Session of several old and distinguished Members of the Society.

Mr. Frederic Harrison closed his long and brilliant career in January, 1923. At an age far beyond that which usually puts an end to mental activity he was to the last writing and conversing with his accustomed vigour. In recent years he had not attended meetings of the Society, and he had retired from the Council, becoming an Hon. Vice-President in 1905. But all who remember his presence recall a personality of singular force.

Sir Henry Howorth, an Honorary Vice-President since 1908, died in July, 1923, at an advanced age. His brilliant versatility and unfailing kindness of heart and manner made him one of the most agreeable speakers at our meetings, which he continued to attend till comparatively recently.

The death of Mr. Oscar Browning at Rome, where he had lived for several years, removes a well-known name from our rolls. He had been a Fellow of the Society since 1878 and Vice-President since 1890.

He was also the author of several papers published in the *Transactions of the Society* and of the volume *England and Napoleon in* 1803, and *The Despatches from Paris*, 1784–1789, 2 vols. of the Camden Series published by the Society.

Lastly, Professor FitzMaurice Kelly, the eminent authority on Spanish Literature and History, Cervantes Professor in the University of London, died November 29, 1923, after the Session of 1922–23, but at a time which makes it fitting to commemorate the Society's loss in this place.

The outstanding event of the Session was the Historical

Congress in Brussels, in continuation of the quinquennial series interrupted by the war, the last having been held in London, 1913. Following conversations between Members of the Belgian Legation and Fellows of the Society in London, and correspondence between the Council and the Members of the Belgian Academy, the Congress was arranged for April 9–15, 1923, at Brussels. The Society undertook to make the event known to the English-speaking countries and India, but the whole of the organisation was in the hands of the Belgian Committee. It could not have been under more able management. The arrangements were excellent, the papers of high merit, the attendance was good, and the hospitality of Belgium splendid. The names of the delegates representing the Society were given in the last Report. A considerable number of Fellows attended over and above those of the delegation. Up to date the Committee of Management have not fixed upon the place of meeting for 1928.

An Anglo-American Historical Conference was held at the Institute of Historical Research on July 6. Dr. Skeel, Miss Lodge, Professor Hearnshaw, Mr. Omond, Mr. Roberts, Mr. Tedder, Dr. Hubert Hall and the Secretary represented the Society. The forthcoming Bibliography of Modern British History was discussed. The Council have the pleasure of reporting that the Bibliography is making satisfactory progress. Subscribers, and all Fellows of the Society, will be pleased to learn that the materials collected by the late Sir George Prothero for the sixteenth-century volume are in the hands of the American Committee presided over by Professor Cheyney. Those collected for the seventeenth-century volume are being edited by Mr. Godfrey Davies, M.A., under the direction of Sir Charles Firth. Satisfactory progress is being made with both volumes, which it is hoped will be ready for the printer by the end of 1924.

The Committee superintending the work in England, which was composed entirely of Fellows of the Royal Historical Society, has been reconstituted as a Committee of the Society.

The Annual Conference between the Society and the Historical Association has been continued, and the Council are pleased to be able to announce that further facilities for the use of the Library and for attendance at Meetings by Members of the Association have been devised.

From the 14th to the 20th of April, 1924, the Roumanian Academy intend to hold a Conference at Bucharest upon Byzantine Studies. Details will be advertised when possible.

The Society's Library has been enriched by several gifts of books, thanks for which have been conveyed to the donors and are here cordially repeated. Exchanges have been arranged with the Royal Society of Antiquaries of Ireland and with the Notgemeinschaft der Deutschen Wissenschaft of Berlin. Additional bookcases for the increasing number of volumes have been put up.

The Canterbury and York Society have been allowed to deposit some books upon Ecclesiastical History presented to them in our Library temporarily, and these will be available for the use of Fellows.

The rooms of the Society have been used for meetings by the Japan Society, the British Society of Franciscan Studies, the Canterbury and York Society, the British Archæological Association, the Huguenot Society, the Lingard Society, and the Jersey Society of London.

On July 5 the Society was enabled, by the kindness of the President and Mrs. Fortescue, to hold an afternoon garden party in their grounds at Admiral's House, Hampstead.

At the Annual Meeting, February, 1923, the Vice-Presidents retiring in rotation and not re-eligible under By-law XVII. were R. A. Roberts, H. E. Malden, M.A., and J. F. Chance, M.A.

Professor J. Holland Rose, Litt.D., Professor Pollard, Litt.D., F.B.A., H. R. Tedder, F.S.A., and Hubert Hall, Litt.D., F.S.A., were elected to fill the vacancies.

The members of Council retiring under the same By-law were A G. Little, M.A., Ernest Barker, M.A., LL.D.,

H. W. C. Davis, M.A., C.B.E., and Miss Rose Graham, M.A., F.S.A.

Professor F. J. C. Hearnshaw, LL.D., C. L. Kingsford, M.A., F.S.A., R. C. Fowler, M.A., O.B.E., F.S.A., Sir Geoffrey Butler, K.B.E., and Miss Lodge, M.A., were elected to fill the vacancies.

Two new Corresponding Members have been elected, Dr. Henrique da Gama Barros for Portugal, and Commandant M. H. Weil for France.

Mr. C. Johnson and Mr. W. Page have kindly allowed themselves to be re-elected as Auditors for the Fellows, and Mr. A. F. Sieveking for the Council.

The following papers and Communications were read in the course of the Session 1922–1923 :

" The Relations of Great Britain with Guiana." By the Rev. G. C. Edmundson, Litt.D., F.R.Hist.S. (November 9, 1923.)

" The English Conquest of Jamaica (1655–1656)." Communicated by Irene A. Wright, B.A. (December 14, 1922.)

" The Birth of an American State : Georgia." By R. A. Roberts, V.P.R.Hist.S. (January 11, 1923.)

" The System of Account in the Wardrobe of Edward I." By Charles Johnson, M.A., F.S.A. (March 8, 1923.)

" The English Colony in Rome during the Fourteenth Century." Communicated by Dr. Emilio Re, Corresponding Member for Italy. (April 18, 1923.)

" The Portraits of Historians in the National Portrait Gallery." By Sir Charles Harding Firth, LL.D., F.B.A., V.P.R.Hist.S.

The President delivered an Address at the Annual Meeting on February 8, 1923.

The Alexander Medal was awarded to Mr. E. W. Hensman, M.A., F.R.Hist.S., for an Essay on " The East Midlands in the Second Civil War (May–July, 1648)." The Essay on " The English and French in Senegambia during the late seventeenth and early eighteenth centuries," by Miss Thora G. Stone, M.A., was highly commended.

The above Papers or Communications, with the exception of that read in December, 1922, and the Alexander Essay, are printed in *Transactions*, Fourth Series, Vol. VI. The Communication on " The English Conquest of Jamaica " has been printed (for convenience of reference) in *Camden*

Miscellany, Vol. XIII., with the account of an earlier expedition against Spanish Jamaica.

In addition to the current Volume of *Transactions* the following publications have been issued or are in the Press.

Volume XXXIV. of the Camden Third Series, being the *Camden Miscellany* Vol. XIII., has been issued and contains the following documents, separately edited, paged and indexed. (1) "*Gesta Dunelmensia* (1300)," edited from the Durham Cathedral MSS. by Professor R. K. Richardson, of Beloit College, U.S.A. (2) "Supplementary Stonor Letters and Papers (1314–1482)," edited by C. L. Kingsford, M.A., F.S.A. (3) "Richard Broughton's Devereux Papers (1575–1601)," edited by H. E. Malden, M.A., V.P., and Hon. Sec. R.Hist.Soc. (4) "The Voyages of Captain William Jackson (1642–1645)," edited by V. T. Harlow, B.A., B. Litt., F.R.Hist.S. (5) "The English Conquest of Jamaica (1655–1656)," translated and edited by Irene Wright, B.A., from the Archives of the Indies in Seville. The document last mentioned was communicated to the Society in December, 1922, and a fully annotated translation is printed in the *Camden Miscellany.* A transcript of the original Spanish narrative with facsimiles of the MS. is preserved in the Library of the Society.

The very important publication of volumes illustrating Diplomatic History from original papers, which was announced in 1922 and begun with Mr. Chance's volume on "Swedish and British relations, 1689–1727," issued in 1923, is being pushed forward. The Council wish to draw special attention to this branch of the Society's work. It is an enterprise of national importance, such as elsewhere, in France for instance, is undertaken with Government support in the public interest. It is continued by Vol. XXXV. of the Camden Third Series, being Vol. II. of the Series of Diplomatic Instructions to British Ministers abroad and relative correspondence which will comprise the diplomatic despatches relating to France between 1689 and 1727, edited by Mr. L. G. Wickham Legg, M.A. This volume will be

issued later in the Session and will be followed by another volume dealing with the diplomatic correspondence with Denmark 1689–1727, edited by Mr. J. F. Chance, M.A., V.P.R.Hist.S., the editor of Vol. I. (Sweden) in this Series. A Handbook to the Contents of the *Transactions* and Publications of the Society, including those of the Camden Society, is in preparation by the Literary Director.

The Secretary reports that the total membership of the Society on October 31, 1923, including Honorary, Corresponding, Life and Ordinary Fellows was 787, and 214 subscribing Libraries. Of this number 10 were Honorary, 26 were Corresponding Members, and 98 were Life Fellows.

The annual subscriptions are received from Ordinary Fellows, paying £1 1*s.* under the old regulations; from members of the Old Camden Society, paying £1; from Subscribing Libraries, paying £1 10*s.*; and from Fellows, paying the statutory subscription, £2 2*s.* There are 60 British and foreign Societies which exchange Transactions with the Royal Historical Society.

During the year 62 Fellows were elected and 4 Subscribing Libraries admitted. By death, the Society lost 11 Fellows, by resignation 17, and 3 Fellows were removed from the Roll for non-payment of subscriptions, making a total gain of 31 Fellows. One library has resigned, making a net gain of three Libraries.

The Treasurer reports: The accounts show that the income of the year exceeded the expenditure by £18 12*s.* 11*d.* Allowance has been made for the sum owing to the printers for publications in hand but not yet issued. There has been an additional outlay on the Library last year. One item (£56 0*s.* 6*d.*) for the painting of the whole of the premises outside is an extraordinary expense, and will not appear again for some years. The current market value of the Society's securities written down to £1,542 three years ago, has again increased, but no alteration has been made as yet in the accounts. The Russian Bond is again taken as having no value at the present time.

ROYAL HISTORICAL SOCIETY.

I.—Income and Expenditure Account relating to the Year ending October 31, 1923.

Income.	£	s.	d.	*Expenditure.*	£	s.	d.
Subscriptions of 1921 : 1 at 20s. £1 0 0				Publications : Printing and Distributing . £740 12 10			
„ „ : 1 at 42s. 2 2 0				Editing and Indexing . 14 14 0			
„ 1922 : 13 at 42s. 27 6 0				£755 6 10			
£30 8 0				*Less* received from Sales . 59 8 6			
Less amount estimated to be received in last year's accounts for subscriptions in arrear 20 0 0					695	18	4
Subscriptions in arrear, received in excess of estimate	10	8	0	Salaries and Wages, etc.	568	10	9
Subscriptions now in arrear estimated to be received	35	0	0	Rent of Premises, 22 Russell Square	170	0	0
Subscriptions of 1923 : 8 at 20s. . . 8 0 0				Coal	23	3	9
„ „ 214 at 30s. . . 321 0 0				Electric Light, Gas, etc.	20	15	9
„ „ 11 at 21s. . . 11 11 0				Rates (Parochial, etc.) and Taxes	151	8	9
„ „ 598 at 42s. . . 1255 16 0				General Printing and Stationery	52	19	8
1596	7	0		Library : Books, Periodicals, and Binding . .	85	7	11
Life subscriptions : 4 at £21 . . . 84 0 0				Postages, etc.	34	0	9
Less proportion required by By-Law IX. to be invested (see Balance-sheet) . . . 56 0 0				Sundries, including New Book-cases, Cleaning and Repairs and Petty Cash payments	65	16	4
28	0	0		Insurance (Fire, National Health, etc.) . . .	9	0	6
Dividends on Russian 4% Bond (Alexander Trust) .	0	0	0	Monthly Meetings (cost of Refreshments) . .	13	10	5
„ Consols	13	6	8	Garden Party	36	12	6
„ India 3½% Stock	24	0	6	Advertisements	0	6	3
„ Canada 3½% Stock	8	0	1	Alexander Medal	3	7	6
„ War Stock 5%	22	10	0	Outside Painting, etc.	56	0	6
„ War Bonds 4%	6	0	0				
Interest on Deposit Account at Bank	7	3	4				
British Archæological Association	30	0	0				
Historical Association	31	10	0				
Royal Numismatic Society	50	0	0				
Japan Society	110	13	0				
Jersey Society	14	2	0				
St. Thomas's Historical Society	8	8	0				
Sundry small receipts	10	4	0				
				Balance, being excess of Income over Expenditure for the year ending October 31, 1923, carried to Balance Sheet	18	12	11
£2005	12	7		£2005	12	7	

ROYAL HISTORICAL SOCIETY.

II.—Balance-sheet of Liabilities and Assets at October 31, 1923.

Liabilities.		£ s. d.
Life subscriptions required to be invested as Capital Account (By-Law IX.): amount brought forward from last Balance-sheet	£1906 0 0	
Proportion of Life subscriptions received in 1923 (see Income and Expenditure Account)	56 0 0	
		1962 0 0
[Represented by Consols, India 3½% Stock, Canada 3½% Stock, War Stock 5%, War Bonds 4%, and Cash on Deposit—see *contra*.]		
Alexander Trust Fund [Russian 4% Bond—see *contra*]		0 0 0
Subscriptions received in advance		28 15 0
Amount due to Printers for Works Outstanding		350 0 0
Balance, being surplus of Assets over Liabilities at date, viz., Amount brought forward from last year	£2181 17 11	
Add Excess of Income over Expenditure as shown by Income and Expenditure Account	18 12 11	
		2200 10 10
		£4541 5 10

Assets.		£ s. d.
Consols 2½%, £699 9s. 9d. valued at	£314 0 0	
India 3½% Stock, £900 valued at	500 0 0	
Canada 3½% Stock, £300 valued at	200 0 0	
Russian 4% Bond (see *contra*) cost £98 17s. 6d.	0 0 0	
War Stock 5%, £450 valued at	380 0 0	
War Bonds 4%, £150 valued at	148 0 0	
		1542 0 0
[The current market value of the above investments, omitting the Russian Bond, is £1875.]		
Cash at Bank: Current Account	£346 4 5	
" Deposit	617 13 2	
Petty Cash Balance in hand	0 8 3	
		964 5 10
Stock of Publications at Russell Square (value as insured)		100 0 0
Stock of Publications with Printer (value as insured)		500 0 0
Library (value as insured)		1000 0 0
" Manuscripts (value as insured)		100 0 0
Furniture, etc. " "		300 0 0
Subscriptions in arrear estimated to be received (see Income and Expenditure Account)		35 0 0
		£4541 5 10

(*Signed*) Henry R. Tedder, *Hon. Treasurer.*

Auditors' Report.

The above Statement of Income and Expenditure and Balance-sheet have been prepared from the Books and Vouchers, and we hereby certify the same to be correct.

(*Signed*) CHARLES JOHNSON,
WILLIAM PAGE,
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December 13 1923.

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